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OF THE  
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IN ALL AGES AND COUNTRIES.

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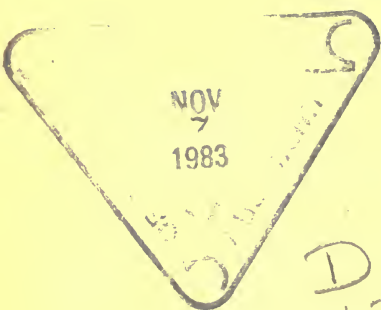
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## PART I.

### INTRODUCTION.

THE term FEUDALISM, in its general signification, is but another name for *aristocracy*, as it existed in Europe, in that peculiar form, during the middle ages. Like that of the ancient aristocracies, feudal sway was the reign of the *few*, for their own exaltation and benefit, to the degradation and disadvantage of the *many*. The FEUDAL SYSTEM of Western Europe, the subject of our present concern, was a political edifice built over the ruins of the Roman empire; and it was, like that empire, originally based on violence, spoliation, and murder.

It is humiliating to civilised man to know that when authentic general history first records the doings of his earliest progenitors, she speaks of his kind as being nearly all bondmen, if not absolute slaves. Thus, even among the savages

of Polynesia, there is a *privileged class*, who lord it over the rest with a rigour scarcely to be paralleled in any community, civilised or semi-civilised, among the nations of olden Europe or modern Asia.

Before entering upon our immediate subject, we think it will be expedient to cast a backward glance at the ancient forms of aristocracy, especially those of Greece and Rome; for, not to mention that these may have had, probably did have, some influence in originating or modifying feudalism—not to press this consideration, which some may think groundless, it is certainly curious, perhaps profitable, to note the resemblances and dissemblances between them. But anterior to all was

#### THE PATRIARCHAL SYSTEM.

Of this we need say little, for its nature is best understood, and its progress most easily traced in the earlier sacred writings of the Old Testament. We there see that to the family, with its paternal head, succeeded the *tribe*, with its chief; the latter being, in fact, or in cherished fiction, descended from the patriarch who founded it. In later stages, however, the man with the strongest arm, or most scheming head, would be elected, or step into the ruler's seat. Thus originated, in all probability, the chiefdoms of the Highland *clans* and Irish *septs*, in times nearer our own.

We pass on to a consideration of

## THE REPUBLICS OF ANCIENT GREECE.

These were both aristocratical and oligarchical; the government residing, first, in the few (*oi kratoi, oi aristoi*) who led the limited number of the privileged free; and both controlled the *oi polloi*, or subservient many. As we do not find that there was ever much difference between the institutions, social or political, of Attica, and those of Sparta, &c., we shall confine our details to the former. The Athenian commonwealth, then, was divided into two classes of freemen. To those of noble rank, or of large estate, who only were judged fit to command armies, &c., was alone confided (in practice, if not in principle) the care of legislation and religion. This division of powers has been called "a double democracy;" which perhaps it was, in the ancient but not in the modern sense of that term. The members of the oligarchy, or directing few, were called *archontes*. There was usually a struggle going on between these and the free citizens—meaning the class not servile—as the latter claimed and occasionally exercised powers of deliberation and resistance. The sway of the oligarchs was felt to be encroaching and oppressive by the successive *reformers* of that day; for we find from Xenophon, that the poorer freemen, who had to set their slaves to toil, or even work *themselves* for the rich, were considered as too little regarded by the aristocrats; and the great historian urged that they ought to be admitted to the share of power and place they

were entitled to by law : more especially as it was they, and not the aristocratic exclusives, who really enriched the state. In his time, it seems that the domains and emoluments of the oligarchs had become hereditary.\* As for the *people*, properly so called, of Attica, no one seemed to consider they had any political rights at all ; though among men of the servile class, in Greece, we find individuals who, by their philosophical and other works, have gained an imperishable fame.

We need scarcely observe that communities, so constituted, were of a very different character from what is now understood by a *republic*, either like that of France, or those of America ; and still less were they like any one imagined to be realisable by day-dreamers who cling to the popular error, that "all men are, by nature, created equal."† The mass of the people, in Attica, Sparta, &c., were, in short, house or field slaves. If we want a modern example of a republic which comes the nearest to the Grecian type, we shall find it in the bondage-cursed territories of the United States. Nor are there wanting apologists for American black slavery, who urge that no "proper republic" *can* exist, where there is not a governing and enjoying class, one served by a subordinate and rightless herd of toilers—black or white "hewers of wood and drawers of water," with broad backs to bear stripes.

\* See Potter's "Grecian Antiquities."

† Fallacious introductory words of the "Declaration of Independence of the Thirteen United States." A.D. 1775.

And certainly, the "political liberty" enjoyed by most of the labouring classes in the American towns, unaccompanied as it is by social equality, or real freedom of act or expression, is purely imaginary; worse still, while it is illusory as to the possessor, it is daily getting more likely to become subversive of the best institutions of the country. And, of late, the danger has greatly increased by the excessive influx of Irish emigrants. But any evil forecast of this kind belongs not directly to our present subject.

#### THE REPUBLIC AND EMPIRE OF ROME.

The first Roman monarchy was abolished B. C. 509, when a consulate succeeded, by what was called a popular election; that is, the consuls were elected by the free or ruling class of citizens, convened for the occasion. Romulus, the real or reputed founder of Rome, divided his vagabonds—for such most of his subjects were—into two classes, *patricians* and *plebeians*. From the former were selected the law-makers, law-executors, and priests. Under the kings, the plebeians had no share whatever in the government, nor in the regulation of religion. But to each member of the privileged class, or *patricii*, were assigned a certain number of the unprivileged freemen, *i. e.*—persons not servile, to whom he was obliged, or was supposed, to act as a kind of guardian: to them he was the *patron*, and they were his

*clients*.\* The patrician class was afterwards divided into the *patres conscripti*—conscript fathers or senators; and the *ordo equestris*, or free members of the community who were rich enough to keep horses; it being understood that the humbler freemen were not entitled, or at least were unable, to do so.† When the class of equestrian rank became very numerous in Rome, through its having been allowed, or having usurped hereditary distinction, their numbers were greatly thinned by a law, which enacted that no freeman could vindicate his rights to be or become a knight, unless he had an estate worth four hundred thousand sesterces—say about £2000.‡ Men of senatorial and knightly rank were distinguished, both in youth and manhood, by their dress, from their unprivileged fellow-citizens. They alone wore a ring upon the left hand. These hand rings were at first made of iron, but latterly of gold; and the right to wear them was called the *jus annulorum*: just as bearing a hawk upon the hand became in feudal times, the distinctive sign of a lord or lady of a castle, or a knight.

Under all the Roman kings, the plebeians, or body of citizens not servile, had, as we have seen, no share in the government, either directly or indirectly; but, when the republic was re-

\* Hence the origin of our name for a legal defender of our interests.

† As we shall see afterwards, the feudal term *chivalry*—Fr. *cheval*, a horse; and the German *ritters*, or mounted knights, had their name from the same circumstance.

‡ See Echard's "History of Rome."



constituted, they were allowed to elect tribunes, or defenders of their interests in the national councils. Ultimately, a few chiefs of the state, and leaders of armies, were chosen from their ranks; thus the dictator Sylla was a patrician, while his rival Marius was a plebeian.

The Roman plebeians were, in the beginning or in the end, divided into two classes: the *ingenui*, or freemen descended from freemen; and *libertini*, or plebeians who were themselves enfranchised slaves, or the descendants of such. And the former had, at first, a consideration and privileges which the latter had not: yet ultimately the distinction was little if at all regarded. As for the servile body in Rome, from first to last, *they* had no rights at all, political or social. Their masters could dispose of them, and what they might earn, at pleasure; for they never had any legal property, not even in their own lives; and were thus, so far, worse off, juridically speaking, than negroes in the hands of a Carolina planter.\*

Social relationships among the Romans do not seem to have been much altered during the sway of the emperors; so that we need enter into no farther details regarding them.

The so called republic (senatorial oligarchy) of Rome, virtually ceased after the battle of Pharsalia, B. C. 47; though historians assign

\* For a proof of this, read in Plutarch (*vit. Cat.*) the brutal conduct of "the godlike Cato" (of Utica) to a bondsman, just before he killed himself. The almost as divine Washington was also a slave owner and breeder. Worse still Jefferson, that pattern democrat, is accused of having *sold* his own coloured offspring!

the date of the empire which succeeded to that of the battle of Actium, B. C. 47. The struggle between the patrician parties, that of Cæsar against Pompey, Cato, &c., and between Augustus his nephew, against Brutus, Cassius, &c., were simply contests between aristocrats for the means of coercing and controlling the people: the "liberty" they fought for, really meant power and privilege for themselves and for their class. The desperate efforts, of Pompey, &c. as they ended in their own perdition, would, had they succeeded, have been of no benefit whatever to the millions. On the contrary, the latter are usually more practically free under the sway of one great despot, even though he be a tyrant, than under the closer-compressing domination of many small ones.

Nevertheless, it must be owned, that the establishment of a universal or inordinate *great empire* usually degrades and debases the human species. That of Napoleon, for instance, seemed to deprive several of the continental populations, for a time, of their moral manhood; besides suspending to a great extent, while it lasted, the march of European civilisation. To some amount Roman tyranny was acted over again by the French; in so far that by the latter as by the Romans, the vanquished nations were virtually disarmed; the conquerors in both cases, first pillaged and then overawed them by armies of occupation, or corps of observation. The latter were also, like the subject states under the Romans, given up as a prey to rapacious governors, who plundered



them with impunity, and drained them of their wealth by exorbitant taxes. In each instance, the vanquished nations were deprived of their most enterprising citizens, who resorted to a distant capital in quest of preferment, or of riches; and were accustomed to look up to an alien superior, and tamely receive his commands.

There are many causes assigned for the decline and ignominious end of the Roman empire. The two most efficient, usually given, are,—its over-extension; and the removal of the central government to Byzantium, by Constantine, dating from A. D. 284. Among the least operative causes *we* class the “luxury” of the later Romans; unless we restrict the term to the sybaritic habits of the titled and opulent, the sight or knowledge of which self-indulgence, on their part, truly, was not likely to make the degraded and impoverished masses have much of that sometimes noble, at other times unreasoning and purblind feeling, called “patriotism.” When “Rome’s annals waxed dirty,” as Byron phrases it, fully two-thirds of the people had been forced, or had slid, into a servile condition. “When the Franks began to settle in Gaul, the Roman population might number seventeen or eighteen millions, of whom five hundred heads of families, at the most, paid the capitation tax; which fact proves that full two-thirds of the whole people were in a state of slavery or serfage. In this case, as in all others, mastership paid the penalty of its encroachments and oppressions, for invasion by free-men, however rude, or ill armed, or imper-

fectly disciplined, were at first perilous, and then fatal, to the independence of the millions, who had nothing left in their native country worth fighting for." The fact is, the aristocratical and propertied classes of Rome and its dependencies, like those in some modern European communities which we need not name, had become exorbitantly rich, while the masses were become miserably poor. And so far are "luxuries," enjoyed to such a limited extent as could ever be attainable by the majority, from emasculating the body, hurting the health, or depressing the spirit of man, that they do just the very reverse. A few, indeed, die from excess, with us; but multitudes perish from inanition and privation of proper comforts \*

The first inroads of the barbarians into the

\* Guizot's "Etudes Historiques."—We hope we shall not be thought obtrusive in advice, or too trivial in illustration, by reminding self complacent and people-despising aristocrats, or oppressive *millionnaires*, of the "fable of the ass in danger of being taken prisoner." A comrade ass (more asinine than he) earnestly adjuring him to flee along with him from the enemy, he shewed no alacrity in running, but said, "Will this enemy you speak of fix a heavier burden upon me than I have now? Will he under-feed and over-cudgel me more than my present masters do?" "Probably not." "Well, then, I'll e'en stay where I am, I can't well be worse, and may be better off by staying it out; *you* may flee, if you like, but I won't!"—The practical moral we would deduce from Esop's little story is this: as titles are but wind, as lands require hands to till them; and as riches have no hands of themselves for protection, and scarcely legs to run away; as *soldiers* and *policemen*, upon whose physical force, consideration for the first, and the security of the last, are ultimately dependent, are men of THE PEOPLE; it may not be *sage* to try the patience of the masses too much.

Empire, proceeded rather from the love of plunder than from the desire of founding new settlements. Roused to take up arms, by some enterprising leader, they sallied out of their forests, and broke in upon the Roman frontier provinces with irresistible violence; put all who opposed them to the sword; carried off most of the valuable effects of the inhabitants; dragged along multitudes of captives in chains; wasted all before them with fire and sword, and returned in triumph to their wilds and fastnesses. When little was left, through succeeding ravages, to plunder in the nearer provinces, they began to settle in them. These settlements were soon contended for by other intruders, of nomade habits, or tribes in quest of a home; who came in wandering armies, with their families and flocks. Separately or together, various roving or partially-settled peoples—their ranks ever recruited by new adventurers, as they were successively allured by the scent of Roman spoils—plundered and seized the cities and lands of Thrace, Pannonia, Gaul, Spain, Northern Africa, and all Italy, including Sicily, and other dependencies.\* The

\* It may be convenient, for the sake of reference, to append to our text a few chronological notices of the origin and progression of the “barbarian irruptions:”—These began before the Christian era. The condition of the countries and the historical antecedents of the intruders, were nearly as little known to the Romans as they are by us. The name of *Goths* first appears in the Roman annals about A.D. 200. It was given to the aggressive populations of little-known or unexplored regions around or near the Baltic sea. Thus a southern portion of meridional Scandinavia is still called Gothland. The

misery and humiliation of the once proud city of Rome, caused by friend and foe—for even Belisarius, while in garrison, ruined many of its monuments—lasted three hundred years; that is, from the invasion of Italy, or, rather, from the retaking of Rome, by Belisarius, A.D. 536, till the coronation of Charlemagne, in the year 800.

term *Visigoths* applied, more especially, to the race which invaded Gaul and Spain; that of *Ostrogoths* to those of Pannonia. About A.D. 260, the *Vandals* first appear. These, too, were only a section of the Gothic races. Having invaded and tried to establish themselves in Pannonia, the latter were resisted and defeated by the Roman forces, A.D. 271. In 274, the *Franks*, a Germanic race, made a descent into Gaul, and the year after, were joined by the *Vanda's* (the aboriginal or early “Prussians,”) and the wandering warriors of another tribe called the *Burghunds*; the name of the latter still surviving in that of the province which they conquered and long kept, named *Burgundy*. About A.D. 286, we find the people of the sea-board of northern Germany and lower Scandinavia—*Saxons*, *Jutes*, and *Angles*—commencing a systematic course of piracy. Between A.D. 325 and 335, Constantine nearly cleared the imperial territories of the Goths and other barbaric intruders; but their incursions soon recommenced. Another band, called the *Allemanni*, (“All-men,”) or Germans, invaded and plundered parts of Gaul, A.D. 351. They and the Franks, (“Free-men,” free, at least, as far as *making free* goes.) together ravaged several Gallic provinces, A.D. 355-6. There was an invasion of the empire by the Goths and *Huns*, the latter a Tartaric race, A.D. 395, &c. They devastated Italy, conjointly, in 401, and again, in 407; but at the latter period, they were driven out with great slaughter. Next year, (408,) the Huns, headed by their king or chief, Alaric, besieged Rome, but were bribed to desist for a short time. As might have been foreseen, they returned and took the city by assault, A.D. 409; when a dreadful scene of murder, spoliation, and destruction ensued. Four times afterwards, was Rome taken and similarly treated. In 433, Attila, who called

## ORIGIN, &amp;c. OF THE FEUDAL SYSTEM.

We have entered upon the foregoing particulars, in which we have expressed ourselves as briefly as we could, for reasons already given, and because out of the chaos, social and political, which supervened upon the fall of the western Roman empire arose the FEUDAL SYSTEM :\* a polity of which, as there never

himself the plague or *scourge* sent from heaven! with an immense host of Huns, first invaded Italy. During the next eighteen years, he did his best to turn central and southern Europe into one great desert ; but he was once beaten by Aetius, A.D. 451 ; the latter headed a force of rival Goths, &c. who had settled in the dominions they previously wrested from the Romans. Attila died in 455. Meantime the Visigoths had founded a kingdom in southern Gaul, which subsisted from A.D. 412 till 520. The Vandals, who first invaded Sicily in 440, were expelled from it in 464. But next year, under Genserie, they ravaged the rest of Italy, Greece, &c. A.D. 474, the *Saracens*, a Tartar race, first appear as conquerors of Western Asia. Afterwards, the Visigoths and they long contended for the dominion of Spain ; whence the latter were driven out by the Moors. But long before, the Western Roman empire fell ; when Odoacre, a barbarian chief, of unknown origin, established himself as “ King of Italy,” A.D. 476.

\* The etymology of the words *feud*, *feudal*, if correctly rendered by some English antiquaries, give us a pretty clear indication of the system they apply to. The old Saxon word *fehod* meant price, or a reward ; but according to Selden, the low Latin noun substantive is a word of Teutonic origin made up of *feh*, *feo*, or *feoh*, which term signified a salary or stipend, or sum of periodical pay ; and of *hade*, *head*, or *head*, implying quality or kind : *i. e.* in a stipendiary way, with the acknowledgment of a *superior*, and a condition of returning some *service* for a *benefit* or *donation* ; on the neglect of the duties connected with such *feud*, or *fief* which it came to be called, (as in



had been before a perfect example, so, says Montesquieu, and its like will never be seen

the case of *infeoffed* or *infeuded* land,) the latter became revertible to the superior.

So far, so well; but it is really a curious instance of the uncertainty of philology, that the true derivation of the word *feuds* is yet to seek for. Sir Francis Palsgrave doubts if there ever were such a word in Latinity, high or low, as *feudum*. Cowel derives it from the French *feoff* or *fief*; i. e. "predium beneficiarum." *Allodium*, another doubtful low Latin word, he renders "non-feu land," *Feudum simplex*, unentailed feu land; *taliatum*, unentailed.

The following is a concise and yet comprehensive summary of the state and treatment of the people of Europe, in both the middle and the preceding ages, and immediately before and after the rise of the feudal system:—"Where men are poor they are compelled to select such soils as they *can* cultivate, not such as they *would*. Although gathered round the sides of the same mountain range, they are far distant from each other. They have no roads, and they are unable to associate for self-defence. The thin soils yield small returns, and the little tribe embraces some who would prefer to live by the labour of others rather than by their own. The scattered people may be plundered with ease, and half a dozen men, combined for the purpose, may rob in succession all the members of the little community. The opportunity makes the robber. The boldest and most determined becomes the leader of the gang. One by one, the people who use spades are plundered by those who carry swords, and who pass their leisure in dissipation. The leader divides the spoil, taking the largest share himself, with which, as the community increases, he hires more followers. He levies black mail on those who work, taking such portion as suits his good pleasure. With the gradual increase of the little community he commutes with them for a certain share of their produce, which he calls rent, or tax, or *taille*. Population and wealth grow very slowly, because of the large proportion which the non-labourers bear to the labourers. The good soils are very slowly improved, because the people are unable to obtain axes or spades with which to work, or to make roads into the dense forests. Few want leather, and there is no tanner on the spot to use their hides.

again. "A system of social relations appeared, in a moment as it were, in every part of Europe; comprehending laws which were attended, in

Few can afford shoes, and there is no shoemaker to eat their corn while making the few that can be bought. Few have horses, and there is no blacksmith. Combination of effort has scarcely an existence. By very slow degrees, however, they are enabled to reduce to cultivation better lands, and to lessen the distance between themselves and the neighbouring settlement, where rules another little sovereign. Each chief, however, now covets the power of taxing, or collecting rents from the subjects of his neighbour. War ensues. Each seeks plunder, and calls it 'glory.' Each invades the domain of the other, and each endeavours to weaken his opponent by murdering his rent-payers, burning their houses, and wasting their little farms, while manifesting the utmost courtesy to the chief himself. The tenants fly to the hills for safety, being there more distant from the invaders. Rank weeds grow up in the rich lands thus abandoned, and the drains fill up. At the end of a year or two peace is made, and the work of clearing is again to be commenced. Population and wealth have, however, diminished, and the means of recommencing the work have again to be created. Meanwhile the best lands are covered with shrubs, and the best meadows are under water. With continued peace the work, however, advances, and after a few years population and wealth and cultivation attain the same height as before. New wars ensue, for the determination of the question which of the two chiefs shall collect all the—so-called rent. After great waste of life and property one of them is killed and the other falls his heir, having thus acquired both glory and plunder. He now wants a title by which to be distinguished from those by whom he is surrounded. He is a little king. Similar operations are performed elsewhere, and kings become numerous. By degrees, population extends itself, and each little king covets the dominions of his neighbours. Wars ensue on a somewhat larger scale, and always with the same results. The people invariably fly to the hills for safety. As invariably, the best lands are abandoned. Food becomes scarce, and famine and pestilence sweep off those whose flight had saved them from the swords of the invader.

their operation, with infinite good and evil : the tendency of which was to establish regulations

Small kings become greater ones, surrounded by lesser chiefs, who glorify themselves in the number of their murders, and in the amount of plunder they have acquired. Counts, vicounts, earls, marquises, and dukes, now make their appearance on the stage, heirs of the power and of the *rights* of the robber chiefs of early days. Population and wealth go backward, and the love of title grows with the growth of barbarism. Wars are now made on a larger scale, and greater 'glory' is acquired. In the midst of distant and highly fertile lands, occupied by a numerous population, are rich cities and towns, offering a copious harvest of plunder. The citizens, unused to arms, may be robbed with impunity, always an important consideration to those with whom the pursuit of 'glory' is a trade. Provinces are laid waste, and the population is exterminated, or if a few escape, they fly to the hills and mountains, there to perish of famine. Peace follows, after years of destruction, but the rich lands are overgrown; the spades and axes, the cattle and the sheep are gone; the houses are destroyed; their owners have ceased to exist; and a long period of abstinence from the work of desolation is required to regain the point from which cultivation had been driven, by men intent upon the gratification of their own selfish desires, at the cost of the welfare and happiness of the people over whose destinies they have unhappily ruled. Population grows slowly, and wealth but little more rapidly, for almost ceaseless wars have impaired the disposition and the respect for honest labour, while the necessity for beginning once more the work of cultivation on the poor soils adds to the distaste for work, while it limits the power of employing labourers. Swords or muskets are held to be more honourable implements than spades and pickaxes. The habit of union for any honest purpose is almost extinct, whilst thousands are ready, at any moment, to join in expeditions in search of plunder. War thus feeds itself by producing poverty, depopulation, and the abandonment of the most fertile soils; while peace also feeds itself, by increasing the number of men, and the habit of union, because of the constantly increasing power to draw supplies of food from the surface already occupied, as the almost boundless



which inclined, on one side, towards anarchy, on the other to order and harmony.”†

M. Guizot remarks, that the chief feature of the feudal system, as distinguished from the Roman institutions, was, its being formed on *personal* and *territorial*, as these depended on *municipal* bounds. In the territories under Roman domination, also, the cities and towns were all in all; and there was no *country*, as we understand the term. Even the great holders of land dwelt in towns; there were few rural mansions, and no villages. All the great Roman roads led direct from city to city. In the latter were seated the prefects, &c., who implicitly obeyed the imperial behests, and rendered available to the central power the tributes and services of the provincials.

“When the barbarians had swept away the Roman institutions, there succeeded to the administrative hierarchy, which had spread itself like a network over most of the territories of Europe, the FEUDAL ORGANISATION. Its element, at first, was military chieftainship, the tie which was formed between individuals as warriors, and which, without essentially destroying the almost equality which had previously existed among them, introduced a graduated subordination, while in the ancient

powers of the earth are developed in the progress of population and wealth.”—“PAST AND PRESENT. By H. C. CAREY. London, 1848.”

† *L'Esprit des Loix*, livre xxx., ch. 1. We give the words of the distinguished French publicist, without adopting his estimation of Feudalism, which we think too favourable by far. It was, simply, an organised anarchy,

republics no man, of his own accord, was attached to any other man, all being bound to their city ; in the *feudal system*, as with the barbarians, the social system depended, first, on the relation of the chief to his *comites* or companions, and, next, to the *suzerain* of his *vassal*.

“ We discern four classes of persons at the latter epoch :—1. The free men, who had no superior or patron ; 2. The secondary class, known as *leudes*, *fideles*, *anstrustions*, &c., persons who had contracted an obligation to the foregoing, either for lands or benefits ; 3. The freedmen ; 4. The slaves, who afterwards had their bondage ameliorated into *serfage*, which condition attached them to the land of the fief, as *adscripti glebæ*, and from which they could not be legally removed : nor were their lords allowed, by feudal law, to manumit them, for their doing so reduced the value of the fief, and thus impoverished his successors !

“ Tenures of land were then *allodial*, or completely free ; and *beneficiary*, or subject to certain obligations in favour of a superior.—These territorial arrangements having been founded, every considerable personage established himself in his domains with his family and retainers ; and built himself a rudely fortified dwelling, which in later times would be superseded by a regular castle.

“ The wandering life which had preceded, now fairly ceased ; populations became fixed ; they settled not in towns as before, but distributed sparsely over the surface of the conquered territory, which its former possessors were forced

to cultivate for new masters. Private property, thereby, becomes of more importance than public property, and public life was absorbed in private life. And wherever barbarism ceased, every thing took the feudal form. Feudalism was the great necessity of the time ; this is proved by the universality of its establishment ; for in the tenth century the towns had their lords and vassals, churches stood in the same relation to their dependents, even royalty was hid under the mask of paramount lordship. All rights, too, even the most unlikely, were given and held as fiefs.

“ Though the possessors of territorial fiefs were not all co-equal, for many of the stronger could and did oppress the weaker, yet there was none, not even the king, as head suzerain, who could avowedly impose law upon the rest. All his permanent means of coercive power were wanting : no regular army, nor imposts, nor head tribunals existed. Contingencies were temporarily met as they arose ; all the resources of a collective state were deficient. On the other hand, resistance was as easy as reprisal was difficult. The possessor of a fief, when houses of strength came into use, could shut himself up in his castle, and with a few defenders could bid defiance even to any assaulting host.”

So far M. Guizot. An eminent native historian of the last century has given in two of his works\* a good and yet brief general

\* “ History of Scotland.” “ History of Charles V.” By Dr. W. Robertson.

account of the feudal system, from which we have extracted or abridged part of what follows : "Before the end of the thirteenth century," he says, "this form of government was established in all the kingdoms of Europe. The surprising similarity in their constitution and laws, demonstrates that the natives which overturned the Roman empire, and erected this feudal kingdom, though divided into different tribes, and distinguished by different names, were either derived originally from the same source, or had been placed in similar situations. When we take a view of the feudal system of laws and policy, that stupendous and singular fabric erected by them, the first object that strikes us is the *king*. And when we are told that *he* is the sole proprietor of all the land within his dominions, that all his subjects derived their possessions from *him*, and in return consecrated their lives to *his* service ; when we hear that all names of distinction, and titles of dignity, flowed (directly or indirectly) from him, as the only fountain of honour ; when we behold the most potent peers, on their bended knees, and with hands folded within his, swearing *fealty* at his feet, and acknowledging him to be their *sovereign* and *liege lord*, we are apt to pronounce him a powerful, nay an absolute, monarch. No conclusion, however, would be more rash, or worse founded. The genius of the feudal government was *purely aristocratical*. With all the parade of royalty, and with many appearances of despotic power, a feudal king was the most limited of princes.

“ Before they sallied out of their own habitations to conquer the world, many of the northern nations seemed not to have been subject to the government of kings; and even where monarchical government was nominally established, the prince possessed but little real authority. A general rather than a king, his military command was extensive, his civil jurisdiction almost nothing. The army which he led was not composed of soldiers who could be *compelled* to serve, but of such as voluntarily followed his standard. These conquered, not for their leader, but themselves; and being free in their own country, renounced not their liberty when they acquired new settlements. They did not (usually) exterminate the ancient inhabitants of the countries which they subdued; but seizing the greater part of their lands, they took their persons under their protection. The difficulty of maintaining a new conquest, as well as the danger of being attacked by new invaders, rendering it necessary to be always in a posture of defence, the form of government which they established was altogether *military*, and, probably, nearly resembled that to which they had been accustomed in their own country. Their general still continuing to be the head of the colony, part of the conquered lands were allotted to him; the remainder, under the name of *beneficia*, or *fiefs*, was divided among his principal officers. As the common safety required that these officers should, upon all occasions, be ready to appear in arms, for the common defence, and should

continue obedient to their general, they bound themselves to *take the field* when called, and to serve him with a conditioned number of men, in proportion to the extent of their territory. Those great officers, again, *parcelled* out their lands among their followers, and annexed the same condition to the under-grant. A feudal kingdom was properly the encampment of a great army; military ideas predominated; military subordination was established; and *the possession of land* was the *pay* which the soldiers (and their officers) received for their personal service. In consequence of these notions, the possession of land was (at first) granted under pleasure, and kings were elective. Such were the rudiments, or infancy of feudal government.

“It was not long, however, before kings became hereditary; and fiefs descending from father to (the eldest) son, became perpetual. The revenues of feudal kings arising, first out of their own lands, and next out of the casualties accruing to them out of the laws of property, such as wardships, escheats, &c., with occasional benevolences from the feudatories or their vassals; their income was always scanty, and did not enable them to maintain a standing army. Even the cost of sending an embassy, an event which occurred but rarely, had to be defrayed by a special grant.\* Nor was his jurisdiction quietly submitted to within the domains of the great feudatories; it was, in fact, systematically resisted.

\* We find repeated examples of this in Scotland, down to the time that its kings succeeded to the English throne.



“In a word, the king derived what substantial power he had, and the bulk of his revenues, from his own demesnes. The only stated taxes which the feudal law obliged vassals to pay to the king, or to those of whom they held their lands, were finally reduced to three : one when his eldest son was made a knight ; another, when his eldest daughter was married ; and a third, in order to ransom him if he should be taken a prisoner.

“Nor could the king supply the defect of his revenues by the terror of his arms ; he could count on no followers flocking to his standard but the vassals upon his own lands. Yet Europe was all peopled with soldiers ; those were chiefly the sub-vassals of the *barons*, a term of dignity which at first simply meant the holders of fiefs. While the poverty of princes prevented them from fortifying their frontier towns, while a campaign was begun and expected to end in forty days—for that was the longest space of time vassals could be *obliged* to serve under arms—this system was found suitable enough when all principalities were strictly feudal ; but was wofully inefficient when two people, as the English and Scots, came to measure their strength : the government of the former being thoroughly feudal, and the nation poor ; while the latter, naturally richer, and its population much greater, had sooner a regular government, with public strength far more monarchical and better centralised.

“A prince, whom even war and victories did

not render the master of his own army, possessed hardly a shadow of military power during peace. His judicial authority was also very circumscribed. Every offender of any rank sheltered himself under the protection of some powerful chieftain, who screened him from the pursuits of those who tried to enforce public justice in the king's name. But the latter was legally abolished in principle as well as practice, when the holders of *baronies* and superiors of *regalities* were invested with judicial functions to their utmost extent; that is, with 'power of pit and gallows;' which words mean, that the baron could hang and drown those who broke the laws, such laws as he and his *bailie* expounded in his courts; or even at his own pleasure, if his vassals or his serfs offended him, he would often punish without any form of trial at all. And though an appeal from his sentences or penalties did at last lie to the royal courts, numerous instances are recorded, (down to a late date in Scotland at least) of barons asserting the privilege of *re-pledging*: that is, when any vassal instituted a cause, civil or criminal, in the *aula regis*, his lord not only took the case back under his own jurisdiction, but occasionally punished the vassal for taking it elsewhere. All this baronial power and privilege made royalty a nullity; so that it was usually impossible for the oppressed people to attempt "to flee from petty tyrants to the throne."

The next step in the progress in feudalism was the adaptation of the device of *entails*, "by



which the feudalry endeavoured, as far as human ingenuity can reach that end, to render their possessions inalienable and everlasting," as they had thereby full power to add to their inheritances, but none to diminish them. A great family came at length to accumulate within itself an exorbitant amount of titles, wealth, and power. Hence we find, in most of the feudal kingdoms of Europe, during the middle ages, and in some (as Scotland) much later, the power of nominal subjects overtopping and occasionally subverting that of the sovereign. Titles of honour, both personal and official, and the functions thereto attached, also became hereditary in certain families; in North Britain, up to a late date, the offices of lord justice-general, great-chamberlain, high-steward, high-constable, &c., were all hereditary in certain great houses; even the office of sheriff was inheritable till the year 1748, in some Scotch families.

"Nobles (and gentry) whose property was so extensive, and power so great, could not fail of being turbulent and formidable. Nor did they want instruments for executing the boldest designs. That portion of their lands which they parcelled out among their followers, supplied them with a numerous band of faithful and determined sub-vassals; while that which they retained in their own hands enabled them to live in princely splendour. The great hall of an ambitious baron was often more crowded than the royal court. The strong castles in which they resided, afforded a secure retreat to

the discontented and seditious. A great part of their revenue was spent upon multitudes of indigent, but bold, retainers. And if at any time they left their retreat to appear before the king, (or to answer in a court of justice an accusation,) they came, even in times of peace, with a vast train of armed followers. The usual retinue of William, the sixth Earl of Douglas, was two thousand horse; and when James Hepburn, Earl of Bothwell, was summoned to clear himself of the murder of Darnley, he came with about as many well armed and mounted vassals. Those of the other nobles were magnificent and formidable in proportion. Impatient of subordination, and forgetting their proper rank, such potent and haughty barons habitually despised their prince's orders, and not unfrequently insulted his person. The history of Europe, during several ages, contains little else but the accounts of wars and revolutions occasioned by their exorbitant ambition."

The following summary of the feudal system, and account of feudal homage, as they existed in France, is taken from the able work on "The Feudal Confederation," by M. Sismondi:—

"It is in rather an arbitrary manner that we are forced to indicate the beginning and the end of a collection of laws slowly enacted, and slowly destroyed. The feudal laws were only collected and committed to writing in its decline; in drawing it up, it was wished to found it upon immemorial custom, and just because it rests upon no constitution or primi-

tive code that can be shown, its origin has been supposed more ancient than it really is, and its birth is said to have taken place either during the first conquests of the Germanic nations, or even previously in the woods where they had their ancient abodes. Undoubtedly the manners and the character of the ancient Germans had imprinted upon their race some indelible marks; more than one accredited opinion among the Franks of Clovis, was still universally received among the French of Hugues Capet; more than one right, more than one privilege, claimed by the first Teutons who attacked the Roman empire, still formed part of the laws and customs of the feudal lords of the tenth to the twelfth century. We must not forget, however, that in this long space of time the conquerors of Europe had more than once passed from liberty to slavery, from warlike vigour to prostration. Under the successors of Charlemagne, social order, the work of that great man, was overthrown; many of the materials which had been put in action by him, and which had equally served for a more ancient order, were for the third or fourth time, employed in the new edifice which replaced his. The superior antiquity of these fragments of another organization, does not prevent the Feudal System, into which they were introduced, from having been modelled only about the tenth century.

“If it be wished to see feudality, wherever the land belongs to the lord and not to the labourer, the former creating a power by the

abandonment which he makes of a certain portion of that land for certain services, where ever he allows the cultivators to make his fields valuable, on condition that they will obey during peace, and that they will fight for him in war, it will be found that this system has existed, not only in all the countries over which the empire of Charlemagne extended, but also in a very great part of the habitable world. The Frankish lords, after having obtained, from the first divisions, much more land than they could cultivate, distributed it, as they afterwards distributed the fiefs, to the *leudes*, who, in return, bound themselves to serve them, and who did not hesitate in fact to follow them in those private wars, or *fehde*, which the looseness of the social tie permitted between the powerful. These private wars, this obedience of the leudes, this reward which they received in landed property, and the obligation to which they submitted themselves, of receiving justice from the hands of their fiduciary lord, or *anstruthion*, so much resembled the feudal laws, that we ourselves have sometimes given to this state the name of feudalism. However, similar institutions could be found among the Celts of the Highlands of Scotland, or the Slavonians of Poland, who have never been subjected to the feudal law. Analogous customs could even be found among the Turks, or in the kingdom of Cabul, in the centre of Asia, and as far as the South Sea Islands, where we shall not go in search of feudalism.

“The essence of the feudal bond was the military service; the vassal engaged himself for the defence of his lord, towards and against all, to render this service, either alone, or with a greater or lesser number of knights and followers in arms, according to the dignity of his fief; this service was to last during a number of determined days, which rarely exceeded forty; it was often much less, especially if there had been oblation of fiefs; for then the favour received from the lord was more fictitious than real. It was only afterwards, and at the decline of the system, that the vassal, in rendering homage, reserved to himself not to wage war against the king, or against the church, or against such other lord as he might designate. On the other hand, the lord bound himself so completely to protect his vassal, that he engaged himself to entire restitution if he was ejected from his fief. To these engagements, which formed the essence of the feudal contract, others were joined, the nature of which seemed more chivalric, and the observation of which was likewise confided to the guarantee of the point of honour. Thus the vassal was bound, if his lord lost his horse in battle, to give him his own in exchange; he was to cover him with his body in danger, to deliver himself up to prison for him, or in hostage, to keep his secrets, to reveal to him the machinations of his enemies, to defend, in fine, his honour, and that of all the members of his family.

“As the feudal tie was found in all divisions

among brothers, there resulted from it a universally received opinion, that in rendering faith and homage, far from degrading, it in some wise gave proof of nobleness, and that the obligation of serving, which was thus contracted, agreed with equality of origin. All the obligations, in fact, to which the contract of infeoffment subjected the vassal towards his lord, corresponded with duties of protection which it imposed on the lord with regard to his vassal. If these obligations were violated on either side, the vassal lost his land, or the lord lost the right of seignory, which he exercised over it.

“The obligation of the vassal towards his lord was contracted by the triple ceremony of *homage*, *faith*, and *investiture*. The homage was the solemn declaration of the vassal, as a warrior and upon his honour, that he wished to be the *man* of his lord. He always rendered it personally, and to his person alone. He knelt down, with his two hands between those of his lord, bare-headed, without belt and without spur; and he promised, thus, to employ his hands and his arms, as soon as the lord should restore to him the use of them, as well as his honour and his life, loyally, in the service of him who conceded to him the land for which he did homage. The same obligation was repeated by oath with religious ceremonies, to bind the conscience, as homage bound the honour; this was *faith*. The lord, in return, afterwards delivered to his vassal the land which he infeoffed to him, either by conducting



him to the place, or by presenting him some symbolical produce of that land, which custom had fixed in each seignory; this was the investiture.

“The kings soon entered into the feudal system, which had been begun by excluding them. Their crown was only looked upon as a great fief, from which all the other fiefs sprang; the obedience which was due to them, by their subjects, was but the consequence of the faith and homage of their vassals.

“We should have been badly instructed of the disposition to debauchery, of the scandalous corruption of the two courts of France and Germany, if the necessities of their libertine monarchs had not made them touch the treasures of the churches. But the military and feudal organisation of the two kingdoms left the kings scarcely any revenues of which they could dispose; for these they had their royal houses and their domains, and, in a few cases, some offerings of their vassals, which arrived irregularly, and upon which they could not count: otherwise they levied no imposts, and they would never have been able to procure money, instead of the produce of their lands, if the distribution of ecclesiastical benefices had not been to them an abundant source of revenue. The custom of selling the bishoprics and abbeys, or as they themselves considered it, of retaining the first fruits for the favors which they granted to the priests, by raising them in dignity, was become so universal, that this species of sale was made publicly, and as it



were by auction ; and so the price of the bishoprics and abbeys, considered by the Church as the price of the favours of the Holy Ghost, was the revenue which most constantly served to pay the mistresses of the kings, and their debauches."

RE-FOUNDATION OF CITIES AND TOWNS AS FEUDAL  
BOROUGHES.

THE earliest great urban communities re-created under feudal sway, were those of Italy. The towns of that peninsula were previously much more numerous than in Gaul, Britain, or Spain ; and the Roman municipal system there survived to a great extent. The Italian lands, too, had been mostly cleared and cultivated ; and that which made them more valuable in themselves, actually diminished their attractions to barbarians, who preferred forests and wildernesses stocked with the game they loved to pursue, and preferred to subsist upon. The preponderance of sway, instead of passing to the Italian country districts, as in Germany and Gaul, at first inclined to, and then settled in the towns. Barbarian nobles and men of the superior caste, gradually throwing off their feudal habits, found their wealth augmented, and their consequence increased, in becoming chief burgesses of towns. At length they and their retainers swelling town populations, the conquerors and the conquered commingling within their walls, had no rural feudal master near the gates to contend with ; an advantage of vast consequence, long unknown elsewhere.

In some cases, as those of Florence, Venice, Genoa, &c., the leading citizens, whose prescriptive privileges had a feudal origin at first, became the chiefs of so-called trading republics, but which were really commercial aristocracies. So potent did the oligarchy of Venice become, though possessed of almost no territory at all, that it was able to make head against the whole power of several feudal monarchs and Roman pontiffs.\*

The trading towns upon the Rhine, that great middle water of central Europe, and the manufacturing boroughs of Flanders, came next into early importance. But the commerce of the former was greatly cramped, and their prosperity much diminished, by associations of landless nobles and the cadets of great families, left destitute by the laws of primogeniture, who building castles in commanding situations, filled them with desperadoes who issued continually from their fastnesses, (still called "robbers' nests,") and pillaged maritime and riverain merchants without mercy.

The iniquitous depredations of these robber-knights constantly extending, through the alluring benefits it held out to vagabonds, titled and untitled, at length led to the formation of the "Hanseatic League," or association of the principals of the chief trading communities, for mutual protection, first formed in the twelfth century, and which at one time comprehended sixty-six cities or towns.

\* The League of Cambray, in 1508, manifested the truth of the above observation.

Having thus far directed our attention to exceptional countries, wherein the feudal principle was only partially developed in cities and boroughs, or at least was modified by circumstances therein subsisting, we now proceed to show how it worked in less fortunate regions of Europe, in times when feudalism succeeded to barbarian anarchy. At first, the existing Roman towns, or their sites, were comprehended in the fiefs of the feudalry, as things of small consideration: nor were they afterwards of quickly increasing account, for when the preponderance passed from towns to the country, as we have seen, most of them dwindled away entirely. But a new reconstructive principle soon came into operation, at first (actively) in the ninth century. This was the foundation of new communities, of *ecclesiastical* origin. Wherever a great religious establishment arose, it gathered around it an urban population, which, in many instances, became the nucleus of that of a city or considerable town, of which prelates and mitred abbots naturally became the lords paramount in their capacity of feudal barons. By this time the clergy, ever increasing their riches, and extending their power, exercised great influence, direct or indirect, over the fate of the inhabitants of baron-ridden boroughs; and they usually obtained by persuasion, or gained by practising on the religious fears of the feudalry, many relaxations of prescriptive tyranny which the people would never have otherwise gained.

By and by, these tolerances having become

rights by prescription, the burgesses were emboldened to demand others. Then commenced, in many places, a struggle between lords and town vassals, which in some instances broke out into hostilities. The burgesses, in many localities, strengthened their dwellings and walled their towns. As the suzerains came to see that contests might not for ever terminate to their advantage, most of them were fain to secure their hold upon the people, by consenting to a compromise, if we may not even call the agreement thus come to a *peace*, for it usually followed after a real civil war, and the *treaties* which recognised that peace were the different burghal charters granted by the barons. Most of these lords were of course laymen ; but there were also prelates who held fiefs in name of the church ;\* and these too, in their baronial capacity, granted numerous charters to the inhabitants of the towns which grew up around cathedrals, to secure to the people privileges that might else have been denied them by successors. The enfranchisement of the boroughs of most feudal countries of Europe was, so far, complete before the end of the twelfth century. That age, too, was the great epoch of conventual foundations, and the rearing of stately cathedrals.

When barons denied charters to the towns, feudal kings usually granted or sold them. Between the burghers and the monarch a tie

\* The great commercial city of Glasgow was of episcopal origin, and in its cartulary, still extant, we find its people designated *homines episcopi*, "men of the bishop."

henceforth began to be formed, which in time grew very strong, through a sense of mutual interest; and it was usually found advantageous for cities or towns to have the monarch above their feudal suzerains, because as regality gained strength, royal charters became more and more valuable.

To secure the privileges which had been wrested from reluctant lords, or bought from venal kings, the burgesses were trained to arms, and often wore defensive armour. In emergencies, their aldermen, &c., made levies of militia, and imposed taxes to maintain war within their own bounds at least. At all times they were governed by magistrates of their own choice, and these in time became a kind of elective lords-superior, exercising feudal functions. But the territorial seignior was ever wary and jealous of encroachments upon his chartered, prescriptive, or assumed rights — Besides occasionally interfering in elections, (if he had a tame people to deal with,) it was not unusual for his officers to levy within boroughs certain feudal dues, with or without the concurrence of the magistrates as assessors. The sanguinary contests between the Dukes of Burgundy and other lords-paramount, in the Flemish towns, as Ghent, Bruges, &c., and of the lord Bishop of Liege, against the people of these places which were the richest urban communities in the middle ages through their manufactures and trade,—were entirely caused by the oppressions on one side, or encroachments on the other, originating in the clashing of

feudal with burghal rights. But it must be allowed that the greater part of even the most advanced large borough populations was in those days in such a condition of rude ignorance, turbulence, and ferociousness, as rendered them very difficult to govern, even by their greatest leaders : against whom they were ever ready to turn. The passions of a savage are as easily excited, as they are dangerous ; and the experience of the Artaveldes, of the people of the first-named town, show at once the perils attending the guidance of such a people, and furnish some excuse for the dire vengeance inflicted by the feudalry upon those who, even in vain, tried to throw off their yoke.\*

Unfortunately the usual result in this instance, as in many others, was, that the influence of the boroughs in the general government of the state was half paralysed ; for as, among the common people there usually existed a reckless democratic spirit, and often a purblind energy, not easy to direct into proper channels ; so, on the other, the leading burgesses of great trading communities were harassed by the constant efforts of the feudal lords, who claimed sway over all, to maintain and extend their power : and thus the petty chiefs of such com-

\* “ In the year 1408, the Liegeois revolted against the oppressions of their feudal lords, and were beaten by the forces of the latter, (though the townspeople had cannon,) with a terrible slaughter. When the troops of the latter were tired with killing, the Duke of Burgundy cried,— ‘ Let them all die together ; let no prisoners be made : let none be admitted to ransom ! ’ ”—MONSTRELET.



munities were often fain to make an accommodation with their immediate suzerains.

And further, it must not be supposed that, then, even the ruling classes of the early burghesses were men who could command respect from their worldly substance, or lived as did the citizens of after times; in the twelfth century, for instance, the ruling few were composed either of manufacturers or traders, carrying on a merely domestic, or very restricted, external trade; or else of small proprietors of land or houses, who resided within the walls. Thus beyond their own bounds their influence was null, or very limited. And this burghal insignificance continued in every poor country—Scotland for instance,—to a late date.

#### INFLUENCES OF CHRISTIANITY ON EARLY FEUDALISM.

As the monarchical principle was almost inoperative in early feudal royalty, even the chiefs of the clergy, as barons, had a feudal character; and these were imperfectly fitted to exercise their sacred functions in modifying the stern character of the system. Yet the influence of the church, collectively, in lightening the many grievances and oppressions of the time, was very considerable. It resolutely struggled, for example, against *slavery*; and did its best, according to its knowledge, to ameliorate civil and criminal legislation. The superiors of religious houses were ever indulgent masters to their serfs, and manumissions of the latter were frequent: this resulted partly through the

humane influences of Christianity, partly because the succession to the enjoyment of church property was *societary*, not personal. By every method, the best members of the priestly body strove to repress the tendency of feudal society to violence and incessant wars.—The “truce of God” was one device of theirs, for this commendable purpose: through the eleventh and twelfth centuries, the church anathematised, and they partially held in check, all who should carry on hostilities during the seasons of Lent or Advent, or between Wednesday evenings and Mondays during certain times of the year. They had also a great hold upon the consciences or religious fears of the feudal lords and their retainers, which was often beneficently exercised in restraining their excesses. On the other hand, a few bishops practically belied their proper sacred characters, though without renouncing their titles, or the revenues of their sees, and fought as feudal chiefs, pillaging and murdering even as they did. One mitred French *batailleur* of this kind, indeed, *considerately* bore in war a heavy mace, but no sword; for the latter weapon would necessarily draw blood, and then the injunction of the Saviour to Peter, forbade his using one; but he made no scruple of felling his foes, as a butcher would a bullock, on the field of battle.

It is observable, also, that the separation between the spiritual and temporal powers, when it became complete, whatever evil influences it otherwise evolved, had at least this good effect, it became the defensive weapon of

the church against violence, spoliation, and every form of aggressive barbarism : for if she had countenanced atrocities of laymen against laymen she could not effectually have warded off attacks upon herself.

The extension of monasticism, also, which was first introduced in the 4th century ; the foundation of universities, which sprang out of the convents of the regular clergy, for a long time the almost sole possessors both of science and learning during the middle ages ; both of these had great effect in mollifying natural rudeness, and lightening the compression of society by feudalism. The cultivation of dialectics, or the philosophy of the schools, was not without its humanizing influences ; but more potent still were the ameliorations which followed the re-introduction of the Roman law, after the recovery of the “ Pandects” of Justinian, A.D. 1137.—But the importance of the subject forbids us to dismiss, with a mere allusion, the

#### MONASTIC ESTABLISHMENTS OF THE EARLY FEUDAL AGES.

WHEN the Goths became, really or nominally, Christians, they held the inmates of convents in great respect. This feeling made them become convenient asylums for all classes of persons who wished to lead a peaceful and safe, no less than a retired life. Thus the very disorders of the more turbulent ages became favourable to the monastic foundations. Chiefs of the feudalry, when wearied with war, or stricken

with remorse, or palsied with age, or covetous of a holy character, retired into monasteries, and submitted, along with the meaner brothers, to the most self-denying asceticism. Monks now began to be considered as a class of peculiar sanctity; and they and the friars, or outdoor *religieux*, were not merely, in the end, recognised as *clerics*, but as being the only "regular clergy."

The adoption of a cloistered life, by devout persons of both sexes, began in the fourth century; and almost simultaneously in the East and West of Christendom. The first inmates of monasteries were not considered as clergy, but as laymen. The abbey of Mount Casino was the earliest regular monastic establishment, as it dates from A.D. 530, when St. Benedict drew up the rules of the Benedictine order.—After this date, regular nunneries were founded, and the conventual system spread rapidly in every part of Europe. The first Saxon conventual foundation in England was that of Folkstone, erected A.D. 630. Monkeries soon multiplied in olden England; and we find from the annals of the Heptarchy, that no fewer than thirty kings and queens resigned their crowns and rank, to live and die in the religious houses.

It is usually said that the *religieux*, friars especially, owed the distinction thus granted them, to the favour of the popes, on account of their especial attachment to the Roman See; but this is a mistake: the precedence freely given to them was partly due to the superior

learning of many of them, as compared with the parochial clergy; and this superiority again, was the natural effect of the secluded lives they led, as being favourable to study. A library soon came to be considered as an indispensable adjunct to every monastery; so that there was a proverbial saying, during the middle ages, "A convent without a library, is like a castle without an armoury."\* During centuries of almost universal ignorance and constant outrages, the lamp of knowledge might have been totally extinguished, but for the care with which it was kept alit in the monastic establishments. The veneration in which they were held, however, soon by its excess engendered abuses. As numbers of the feudalry, when past the age of enterprise, or in ill health, or disgusted with the world, took refuge in convents, and there ended their days, it was usual for them to leave large bequests, and even give their whole property, for the maintenance of those institutions. And when nunneries were established, numbers of noble women chose a cloistered life. From these and other causes, a tide of wealth poured in which caused a total alteration in the proper character of a system, commenced with the most self-denying ascetism. By the year 840, the superiors of the many French monasteries alone had 20,000 serfs under their control;

\* "Twenty-five years after the Norman Conquest, the library at Croyland Abbey consisted of fifteen hundred volumes, of which three hundred were considerable works."—LINGARD.

and as the monks were the best agriculturists and planters of the time, and their lands usually the most fertile, we may easily conceive what an amount of natural wealth they would be able to extract from the soil; especially when we remember, too, that church possessions were respected in times of trouble, when others endured the worst ravages of war. Even during the barbarian epoch, an attack upon a monastery was generally considered impious; for men of war and blood often looked reverently upon a band of holy persons congregated together within precincts they imagined sacred; while the same warriors might stand on no ceremony with the parish priests, or even their bishops. And when churches became the surest asylums for lay refugees, so did monasteries present the most secure places of repose and refuge for the clerical order itself. It is unfortunate for the good name and fair fame of the religious corporations of the middle ages, the better members of which did so much to instruct and civilize the men of a rude time; who were the sole "keepers of the oracles of God," in their day, as the Jewish priesthood had been before; who preserved for future extended use all that remained of the philosophy and poetry of antiquity: it is deplorable that the corruptions engendered by exorbitant wealth should have given too fair a handle to their detractors to urge that their demerits exceeded their usefulness to the latter ages they lived in.\*

\* Even Mr. Hallam is candid enough to own that, "upon



THE CRUSADES, THEIR INFLUENCE IN MODIFYING  
FEUDALISM.

THE first crusade was undertaken, at the Council of Clermont, A. D. 1094, and was headed by him who first urged it on Peter, the Hermit, who set forth with an army, or rather armed fanatic rabble, in the following year; none of whom, though numbering two hundred and sixty thousand, ever reached the Holy Land, which they had resolved and fully expected to wrest from Infidel hands. The second crusade was better organised, the army being composed of the flower of the feudalry of Europe, which was now imbued with a general religious sentiment, making its population feel for the time, as if they had been one nation. A kind of generous rivalry ensued; and the forgetfulness of self, accompanied with the knowledge gained of each other by the warriors of all nations, led to the formation of the best institutions of feudalism, known as the system and orders of *chivalry*. The warriors of the Cross learned to respect the warlike virtues of the Saracens, the redoubtable defenders of Moslem acquisitions, by whom they were more immediately opposed. The crusades lasted from 1095 till 1291, or one hundred and ninety-six years; and it is estimated that about two

the whole, the monastic foundations did not fall *far* short of the sacred character and good uses their advocates claim for them."—HIS. MIDDLE AGES.

millions of men died in the different campaigns and sieges. The loss of life, and the natural evils of this desperate struggle between the Cross and the Crescent, are apparent enough and easy to calculate ; but the good arising out of that contest, though less evident, was undeniably great. Not the least was the plentiful and repeated depletions of bad feudal blood. Many of the "high-spirited" nobles, those who were most daring abroad, and consequently the most dangerous at home, never returned. Some battling kings, too, whom the injudicious accept for heroes, such as Richard I. of England, kept long away from their dominions, which were none the worse governed for their absence.

It does not appear that the feudalry of England took much part in the earlier crusades. It is said that the king of England (William Rufus) rather discouraged the enthusiasm of the time, and made it a theme for coarse railery. As for the Scotch nobles, old and new thanes and barons, they were too poor to equip themselves as knights for a distant expedition, in which much money was needed as well as burning zeal. At no period of the Holy War, do we find the Scots making any figure in them.\*

Several of the larger fiefs of defunct nobles passed into the hands of the reigning kings, and thus strengthened the hands of reigning royalty. Others became vested in such *ignoble* possessors

\* "New Annals of Old Scotland," MS.

of money as had made advances of cash for the equipment of *heroes*, who could not repay them in specie, even if they returned. By this means, and other causes, a multitude of titles to smaller fiefs were extinguished altogether. So that great gain arose to the unprivileged, through a diminution of the numbers of their worst, because most needy, oppressors.

Commerce with the East, almost extinct after the subversion of the western empire of Rome, revived, or at least was greatly extended during the crusades, and, still more, immediately afterwards. A knowledge of new or forgotten arts was gained, and a taste for oriental comforts and luxuries introduced. The towns grew more rapidly in consequence. The domestic life and public manners of the great nobles who returned became somewhat ameliorated; they did not thenceforth live so much shut up in their castles, like wild beasts in their lairs, seldom leaving them, except for predatory purposes. They appeared oftener at royal audiences; and their courtly manners, to some extent, supplied the place of chivalric habitudes, the latter visibly declining in spirit, if existing in more specious forms, ever after the times of the last crusades.

## INSTITUTIONS CONNECTED WITH FEUDALISM.

### I.—FEUDAL JURISPRUDENCE.

“INSTEAD of the ancient *plaids*, or pleadings of Roman days, the lords assembled the courts in their castles; they composed them of their vassals, who had obliged themselves, by their feudal tenure, to serve at the court, or in the camp, as judges, and as soldiers. By imitation, or by habit, they introduced into these feudal courts several regulations, and several customs of the ancient popular tribunals; they preserved of the ancient laws everything which had not been modified by custom; the vassals tried each other, as formerly did the citizens, under the presidency of the lord, who fulfilled the office of the ancient count, and who often preserved the title. The new gentleman, as formerly the freeman, was subject to no other jurisdiction than that of his peers. As to the means of distinguishing right or innocence, the four or five centuries which had elapsed had not yet brought any light. Three only were known, at least whenever the case presented

any difficulty : *Conjurators*, or the oath taken by a certain number of the friends of the accused, or of the defendant, the *Trial by Ordeal*, by means of hot iron, hot or cold water, &c., and the *Trial by Battle*. At the time of the decline of the national bravery in France, under the Carlovingsians, the oaths and the trials recommended by the priests obtained the advantage ; Louis the Meek even attributed to himself the merit of having abolished the trial by battle. When France, on the contrary, commenced covering itself with warriors and strong castles, the knights complained that the perjuries and pious frauds of the church people had corrupted all justice ; they re-established trial by battle, and they regulated its conditions and forms, and their jurisdiction almost confined itself to organizing this empire of force which their pride wished alone to abate.

“ In the superior orders of society, the tribunals rarely have occasion to interfere for the repression of crime ; even at the present time, and with the change of our manners, order is rather maintained on the score of honour, the apprehension of duels, and that species of police of which society is in possession, than by the authority of the judges. The solemnity of the trial by battle, the publicity of all the proceedings, and the support of religious ideas, formerly sufficed in the same manner among gentlemen, to repress crime and violence ; so that, even in that barbarous system, it did not triumph much more than at the present day. But all the inferior part of society, in the towns,

as in the country, had remained outside of the feudal system. Slavery had preceded the establishment of this system ; it was almost universal in the empire of Charlemagne ; it was still so at the moment of the division of fiefs ; all the peasants, and almost all the citizens, belonged, either by conquest or usurpation, to some lord ; they were conceded with the land which they were to cultivate, and it required time before that feudal liberty which reigned among their masters descended to them. These unfortunates obtained no protection, and did not experience the barbarous jurisprudence of the knights. For the serfs and the villeins, the arbitrary will of the lord oftenest replaced all the forms of justice ; summary executions closely followed offences. The law, it is true, admitted the plebeian to do battle with ignoble arms ; but it was seldom resorted to except for the diversion of the lords and noble ladies of the castles, so as to procure them a pastime according with their taste. They reckoned little upon arriving thus at the truth, for a miracle of the Divinity was not expected to interpose when only one of ignoble blood was overthrown. It is, indeed, recounted that, on some celebrated occasions, the innocence of a villein had triumphed by combat ; but then it was always found that some gentle lady or damsel, that some old man, or some child of illustrious blood, would have lost his rights without the miracle by which God came to the help of a plebeian. Thus the feudal courts of justice for gentlemen, and the summary juris-



diction of the lords, who inflicted arbitrary punishment on their serfs, sufficed to maintain some species of security in society, because, if the social order punished few crimes, it likewise created few. When one deducts all kinds of fraud against the public revenue, all kinds of fraud intended to abuse the law, all kinds of resistance to authority, or of conspiracy against it, and when the just security due to the lower classes is counted as nothing, it is astonishing to see how the list of delinquencies is diminished which remain to be punished, and one begins to grant less esteem to all that judiciary organization which is at this day supposed to be the prime basis of society. In the feudal centuries, the law seems made by strong men, and for strong men, and it cared very little for the weak. It had well preserved the use of champions for women, priests, and old men; but it appears at the same time desirous of discouraging recourse to a decision founded only on force; it condemned their champion, if he were vanquished, to lose his hand, and certainly it is difficult to understand how men could be found disposed to sustain the cause of a stranger, by running such a risk. The object of the greater part of the judiciary causes carried before the feudal tribunals was the ownership of fiefs; and it seems that those who administered the law, and who began no longer to count upon the intervention of the Deity in the combats, had much more in view to serve the fief by the bravest soldier, than to secure over him the right of the weak.”—(*Sismondi.*)

The English court of chancery was instituted by Henry IV.; and its original chief function was to give a check to the increase of feoffments to secret uses and trusts occasioned by the civil wars, which the common law courts were unwilling to interfere with; where the king, in the presence of his chancellor, abridged such alienations at his discretion: this was called "a jurisdiction in equity"—a title involving no compliment to the ordinary jurisprudence of the kingdom, either then or since. Like every other existing institution growing out of, or connected with, feudalism, the court of chancery is become a national nuisance.

## II.—FEUDAL LAW OF PRIMOGENITURE.

ONE great cause of the worst excesses engendered by the feudal system was the operation of the LAW OF PRIMOGENITURE; or the investing in full and sole property of a fief, the eldest son of the possessor, at his parents' death—to the exclusion of all his brothers and sisters, who were thus left entirely dependent upon him, or upon others. The evils flowing from this source began at the earliest stages of feudalism, and continued till its abolition, nay survived it, for much of these remain among us in this country, at the present time. It may seem conclusively reasonable to say, with Sir Walter Scott, that "the fief naturally fell into the hands of those who soonest grew up to manhood to defend it;" but that, again, if admitted, will hardly cause us to concede, that

therefore the fief-holder should both take charge of, and keep it entirely for himself

Still less is this reasoning satisfactory in defending the preferences for the first-born son in our day, when all property, real or otherwise, is protected, not by the potency of individual might, but the strong arm of the law ; that law being upheld at the expense of all, by those who have land and houses, and those who have none. It must be allowed that feudalism is hardly answerable, in modern times, for the virtual disinheriting of the younger members of the middle-class families, and the cursing of the country with entails and infeoffments ; the pride of a father, and the preference of silly mothers for only sons, (thus foully betraying the interests of their own sex) have occasioned a great increase of the evil polity first introduced to bolster up patrician families only, to the disadvantage of all others. But it was feudalism which first gave the wrong bias to British social relations ; custom has kept it up, and maintains it to this hour, more mischievously, because far more extensively, than in any other civilised community.

During the middle ages, disinherited sons, victims of the law of primogeniture, victimised others in turn : they became, as we shall presently see, public robbers ; and in this way, did more to impede the progress of society than all others of its antagonisms put together. In our own time, much of the corruption in church and state, and not a little of the vice festering

in the bosom of society, are traceable to the same cause. To get the unprovided scions of their houses into high official place,—to help them to the best church benefices,—to obtain for them undeserved promotion in the army,—berths in the colonies,—in short to help them to get everything worth the having, our aristocracy watches with sleepless vigilance. And to save pensions for their cast-off servants, there is not a petty situation in any public office, or charitable institution, which they are not ready to apply for.

Oldest sons, sitting in parliamentary conclave, by laws of *filogeniture*, *gallantly* render females destitute by their unjust laws, of the protective power of money; and younger sons follow up the crime by tempting them in scarlet, or other fine clothes, to their ruin. In a word, most places of power and profit are monopolised by the wealthy and destitute nobility, and their connections. And, in Britain, such is the force of habit and law, in spite of all the changes that have come over general society in modern times, there has continued, in all families of the propertied classes, the LAW OF SUCCESSION to remain the same as it was during the middle ages. Nothing can be more unjust or evil in its effects, especially, as we have observed above, upon the interests of females brought up tenderly, or in comfort at least, when suddenly thrown upon the world at their parents' death, or nearly so; this, too, in times when employments for the weaker sex are both

hard to obtain, and wretchedly deficient in remuneration.\*

### III.—JUDICIAL COMBATS—WAGER OF BATTLE— DUELS.

A JUDICIAL COMBAT was one of the forms of ordeal, during the middle ages, used to prove or disprove guilt or innocence, by the "judgment of the God of battles," and was much approved of by the feudalry, as it was well suited to their own habitudes of violence, and took out of the hands of the priests the means of *juggling* which they usually employed in the other forms of ordeal. The theory of the system was, that when one party accused another of a crime, which he was morally sure had been committed, and the incriminated person defied him to the proof, then if the two fought about it, the Deity would assuredly interpose by allowing one or other, the criminal or his accuser to be defeated as a thing of course. From being at first a test had recourse to in extreme cases, it soon became common, and at last formed a recognised part of the regular jurisprudence of every feudal country, including our own. It was legalised in England, A.D. 1095-6, thus:

\* "During the horrible famine accompanying the siege of Paris, which lasted, with intervals, from October 31, 1589, till March 22, 1594, several of the daughters of titled families, having no independent means of existence, were fain to prostitute their persons for such wretched food as was to be had. When better times came, the habits unfortunately thus contracted, remained fixed with many, so that they became the most abandoned courtesans of the capital."—MEMOIRS OF THE SIEGE.

Roger de Mowbray, Roger de Lacey, and other Norman lords, conspired against William Rufus; when the Count de Eu, being accused along with them, he denied the charge, and to prove his innocence, fought in the presence of the court at Windsor, a judicial or trial combat with his accuser, Geoffrey Bainard. Being worsted, he was condemned to be *castrated*, and have his eyes put out: a fate which would equally have befallen Bainard, had the victory gone on the other side, such being the law of the time. This was the first judicial combat fought in England.

The system had been established in France long before. Most of the great religious houses therein had an *enclos*, or enclosed space, for the *placida ensis*, or religious combatings in judicial sword trials. "The heads of some religious houses," says Dr. Trusler, "as abbeyes, &c., kept *knights vicars* to fight for them against those rich men who would not part with their money for ostensible 'pious uses.'"

As early as A.D. 1008, the monks of St. Denis, near Paris, obtained the right of having judicial combats on their grounds, by a diploma from King Robert. It was soon demanded by and conceded to other abbeyes, &c.\* The

† "In the year 1109, the clergy composing the chapter of the cathedral of Notre Dame, of Paris, claimed and obtained the right of sacred *monomachy*, or the judicial combat. The abbey of St. Germain-des-Prés, and that of St. Denis, both near Paris, already enjoyed that privilege, then a very profitable one. The judicial fights of Notre Dame long took place in the outer court of the archbishop's palace. Thither resorted the accuser and



motive for having such combats within their domains, was the desire of profiting by the fees and confiscations attending them : but the religieux themselves, when they quarrelled, did not disdain to settle their own personal disputes this way ; for Geoffroi de Vendome records the example of a monk and a canon who, within his knowledge, fought a judicial combat à l'outrance—that is, “ to the death,”—in presence of their brethren.

What kings granted, popes confirmed ; for we find Pascal II., in February, 1114, according letters of authorization to several French religious houses, to have judicial combats within their bounds.

“ Soon every class of society in France,” says M. Dulaure, “ was subjected to this barbarous procedure. Aged men, women, rich beneficiaries, fearful of their persons, hired champions to fight for them ; and if they were beaten, they had to bear mutilation, and lose a hand, a foot, or even be hanged. Sometimes cases arose, in which an appellant could call into the arena, not only the adverse party, with all his witnesses, but even the judges themselves, and fight against every one of them in succession.” The abuses of the system became at length so enormous, that Louis VII. tried to abolish or abridge it ; but was strenuously resisted by the

accused, and, in presence of a clerical tribunal, arranged for the occasion, fought with swords or clubs ; and when one was killed, or stabbed, or felled, or thrown so as not to be able to rise, the priestly judges (blasphemously as well as barbarously) pronounced the victor to be the only true man, by the infallible judgment of God!”—*Dulaure*.

barons, both lay and spiritual ; from motives of interest, doubtless, as well as superstitious influences, and the slavery of routine.\*

“ Among the public scandals of these barbarous times, arising out of such judicial combats, which sometimes shocked, but oftener amused the Parisians, were the penitential processions of the vanquished parties in the combats, issuing from the gates of the ecclesiastic lords, into the open streets, accompanied by men and women, in a state of degradation, with only their shirts on, or even naked, marching along, the inferior priests heaping indignities upon them, scourging them, running needles into their flesh, &c.” (*Dulaure.*) Questionless, similar indecencies were exhibited in other places.

\* “ During the eleventh and twelfth, and immediately preceding centuries, the ignorance of the French feudalry in all things, religious, moral, and literary, was extreme.† Still they endeavoured to retain, for the benefit of their own class, all the rich benefices and leading places in the church. They now began to find this monopoly no longer tenable. Knowledge was making progress ; lettered and aspiring youths of the untitled classes rising into eminence, came to share with the scions of noble houses, church dignities and emoluments.

\* Judicial combats were forbidden in the council of Valentinia, A.D. 855.—They were abolished in Denmark, 891.—*Trusler.*

† Very few of the great barons could write, or even read. This is plain from the original of Magna Charta. The *sign* of our Saviour's cross served instead. Thence arose the term *signature*.

“ The mania of crusading in the Holy Land, too, as it originated in France, so likewise was it always stronger in that country to the last, than in any other, and contributed largely to abasing those feudal enormities, and adding to the royal power of repressing them in future.”

Louis IX. (St. Louis) endeavoured to abolish judicial combats in his kingdom, but found himself impotent to do so, except in the demesne of the crown. What he could not abolish, he set himself to regulate ; and, says M. Dulaure, “ the king, in the year 1270, caused a kind of code to be drawn up on the subject, called the *Establissemens du Roi* (Royal Institutes), in which we find the following enactments :—‘ If one man have killed another in a contest (*mêlée*) and the slayer declare that the defunct agreed to fight with him, then the former shall be allowed to fight one of the relatives of the latter ; and if either of the parties be sixty years old, or more, he may employ a champion. And whichever of the two is defeated, he shall be hanged.

“ If a gentleman have a grievance to complain of as being inflicted by his lord, he shall be allowed to fight him ; but if he (the complainant) be vanquished, he shall lose his fief.

“ If a plebeian (*roturier*) accuse a knight of having committed a murder, or of having robbed on the highway, then the parties may be allowed, the one to defend, the other to repel, the accusation by force of arms ; but the gentleman is to fight on horseback, the plebeian on foot. In case the gentleman be the accuser of the ple-

beian, then both to fight on foot. And whichever is beaten, he is to be hanged.

“The brutal custom of judicial combats, introduced into Gaul by the Franks, continued to be practised for more than two ages after that of Louis IX.”—*Dulaure: Histoire de Paris*.

In the year 1386 (October 29), a duel, to the death, took place, by the special authorisation of the Parliament of Paris, in the fighting enclosure of the monks of the Abbey of St. Martin, between the lord of Carrouges and Jacques Legris, esquire to him or to some other noble. The lady of the former had accused the latter of committing certain outrages upon her person; which he firmly denied, and offered to prove his innocence in single combat. The assertions of the lady not being capable of satisfactory proof, and the parliament, probably, suspecting her virtue, the duel was ordered to take place; the authorities ordaining, that if her husband (who appeared on the occasion as the champion of her reputation,) should be beaten, either he or she should suffer death as convicted felons and calumniators. The lists being dressed, the king, and other umpires, seated, the lady appeared dressed in mourning; and the husband, taking her hand, said, “My lady, through your information, and my quarrel, I am about to risk my life by Jacques Legris; it is for you to say, if my cause is just.” “My lord,” said the dame, “it is even so; and you will come out of the combat in safety, for the quarrel is just.” Carrouges then embraced his lady, made the appointed signal, that he was

ready, and, though his blood was then raging in his veins from a fever, he began the fight, which was fierce but not long, and it terminated in his favour. Having desperately wounded and disarmed Legris, he commanded him to confess his crime; this, the poor wretch, of course, (for he was innocent,) refused to do. And the lord of Carrouges, forthwith, pierced him through. The body was then taken and hung upon a gibbet, in sight of all the people; it was afterwards thrown into the *roirie*, or public receptacle for the carrion and filth of the city. Carrouges, on the contrary, was loaded with honours and emoluments; part of the latter being paid out of the confiscations of his adversary.

A few years afterwards, the real author of the crime was discovered; he had an unfortunate personal resemblance to Legris, which caused the accusation of the latter. It is said that the lord of Carrouges was in Africa when the news was brought to him, and he was so struck with abiding remorse that he never returned to France. His lady, also, repentant for her rash swearing, is said to have passed the rest of her life in a convent.—(*Dulaure; Belin.*)

The quarrel between the Dukes of Hereford and Norfolk, in December, 1398, is well known to the students of English history, and the readers of Shakspeare. (See “Henry IV.,” part i.) These magnates having brought mutual accusations of falsehood against each other, each proposed or agreed to clear himself from

the charge by solemn *wager* (or risk) of battle. The lists were prepared for the combat; but the king interfered, and banished the two lords; an act which the whole feudalry resented, as being "contrary to the privileges of nobility," and contributed to hasten his dethronement.

"The judicial combat was always esteemed the most honourable kind of ordeal; hence it soon became the most common method of determining all disputes among martial English knights and barons, both in criminal and civil causes. When the combatants were immediate vassals of the crown, the contest was pre-arranged with great pomp and ceremony, and it was fought in presence of the king, with the constable and grand marshal of England—these latter were the high official judges; but if the combatants were the vassals of a baron, the combat was fought in *his* presence, and in that of his sub-feudatories. It is to be observed, too, that in England the kings had power to mitigate the penalty against the defeated party.

"Several kinds of persons were legally exempted from the necessity of defending their innocence or their property, by the judicial combat: as women, priests, the sick, infirm, maimed, young men under twenty years of age, and old men above sixty. But all these might, if they pleased, employ champions, to fight in their vindication.

"By slow degrees, the judicial combat (or trial by arms) was superseded by the more rational mode of trial by jury. Henry II. contributed much to this improvement, especially



in civil causes. He allowed the defendant, in a plea of *right*, to support his title *either* by single combat, or by the oaths of twelve men of the appellant's vicinage: this was called "the grand assize."\*

"In the year 1446, there were two judicial combats appointed in England. The first was by the Prior of Kilmain, in Ireland, who impeached the Earl of Ormond; and the place of trial was to be Smithfield, in London; but the quarrel was settled by the king.—The second was by one John David, an armourer, who impeached his master, William Catur, of high treason; but the latter getting drunk with some neighbours, got killed in quarrel before the time of combat."—*Dr. Trusler*

Those who know how slavish has always been the prescriptive routine of English jurisprudence, will hardly be surprised at knowing that *wager of battle* actually formed "part and parcel" of the law of England down to our own times. It was only abolished, in 1819, by the statute of 59 Geo. III., which was passed, specially, in consequence of the following incident:—One Abraham Thornton, a brutal ruffian, having violated and murdered a young woman, was arrested and tried for the crime, but acquitted (Heaven only knows for what reason) by the jury. The whole country was scandalised at this acquittal; and the nearest relatives of the murdered girl appealed to the Court of King's Bench against the verdict.—

\* WADE'S "British History," sub anno 1399.

Thornton, as he was acquitted by a law which had long been in abeyance, in April, 1818, claimed to clear himself by "wager of battle." His claim was allowed!—But as the appellant was only a slender youth, and the murderer a robust man, the former shrunk from the unequal contest, though at first inclined to risk it.—This strange case is known in English legal repositories as the suit of "*Ashford v. Thornton*," in *Banco Regis*.

The last judicial combat fought in France took place in the year 1547. But the fact is, both this fight, and these following, were rather DUELS, than judicial combats, strictly speaking, for the clergy had, by this time, ceased to take any share in them. The *duello* was unknown to the ancients, and was the bastard child of the judicial combat; both being true progeny of the feudal institutions of the middle ages, and their barbarous habitudes.\* The following passages on the subject are taken from Mr. Charles Mackay's interesting collection of "*Extraordinary Popular Delusions*," &c. :—(p.p. 273—288)

"François de Vivonne, lord of La Chaigneraie, and Guy de Chabot, lord of Jarnac, had been friends from their early youth, and were noted at the court of Francis I. for the gallantry of their bearing and the magnificence of their retinue. Chataigneraie, who knew that his friend's means were not very ample, asked him one day, in confidence, how it was

\*At the Diet of Worms, in 1498, a French knight challenged the whole German nation to single combat!

that he came to be so well provided? Jarnac replied, that his mother had married a young and beautiful woman, who, loving the son far better than the sire, supplied him with as much money as he desired. La Chataigneraie betrayed the base secret to the dauphin, the dauphin to the king, the king to his courtiers, and the courtiers to all their acquaintance. In a short time it reached the ears of the old Lord de Jarnac, who immediately sent for his son, and demanded to know in what manner the report had originated, and whether he had been vile enough not only to carry on such a connexion, but to boast of it? De Jarnac indignantly denied that he had ever said so, or given reason to the world to say so, and requested his father to accompany him to court, and confront him with his accusers, that he might see the manner in which he would confound him.—They went accordingly; and the younger De Jarnac, entering a room where the dauphin, La Chataigneraie, and several courtiers were present, exclaimed aloud, ‘That whoever had asserted that he maintained a criminal connexion with his mother-in-law was a liar and a coward!’ Every eye was turned to the dauphin and La Chataigneraie, when the latter stood forward and asserted, that De Jarnac had himself avowed that such was the fact, and he would extort from his lips another confession of it. A case like this could not be met or rebutted by any legal proof, and the royal council ordered that it should be decided by single combat. The king, however, set his face

against the duel, and forbade them both, under pain of his high displeasure, to proceed any further in the matter. But Francis died in the following year, and the dauphin, now Henry II., who was himself compromised, was resolved that the combat should take place.

“The lists were prepared in the court-yard of the chateau of St. Germain-en-Laye, and the 10th of July, 1547, was appointed for the encounter. The cartels of the combatants, which are preserved in the “*Mémoires de Castelnau*,” were as follow :—

*‘ Carcel of François de Vivonne, lord of la Chataignerai.*

‘ SIRE,

‘ Having learned that Guy Chabot de Jarnac, being lately at Compiègne, asserted that whoever had said that he boasted of having criminal intercourse with his mother-in-law was wicked and a wretch, I, sire, with your good will and pleasure, do answer that he has wickedly lied, and will lie as many times as he denies having said that which I affirm he did say : for I repeat, that he told me several times, and boasted of it, that he had slept with his mother-in-law.

‘ FRANÇOIS DE VIVONNE.’

“To this cartel De Jarnac replied :

‘ SIRE,

‘ With your good will and permission, I say François de Vivonne has lied in the im-

putation which he has cast upon me, and of which I spoke to you at Compiègne. I therefore entreat you, sire, most humbly, that you be pleased to grant us a fair field, that we may fight this battle to the death.

‘GUY CHABOT.’

“The preparations were conducted on a scale of the greatest magnificence, the king having intimated his intention of being present. La Chataigneraie made sure of the victory, and invited the king and a hundred and fifty of the principal personages of the court to sup with him in the evening, after the battle, in a splendid tent which he had prepared at the extremity of the lists. De Jarnac was not so confident, though perhaps more desperate.—At noon, on the day appointed, the combatants met, and each took the customary oath that he bore no charms or amulets about him, or made use of any magic, to aid him against his antagonist. They then attacked each other, sword in hand. La Chataigneraie was a strong, robust man, and over confident; De Jarnac was nimble, supple, and prepared for the worst.—The combat lasted for some time doubtful, until De Jarnac, overpowered by the heavy blows of his opponent, covered his head with his shield, and, stooping down, endeavoured to make amends by his agility, for his deficiency of strength. In this crouching posture he aimed two blows at the left thigh of Chataigneraie, who had left it uncovered, that the motion of his leg might not be impeded. Each blow was

successful, and, amid the astonishment of all the spectators, and to the great regret of the king, La Chataigneraie rolled over upon the sand. He seized his dagger, and made a last effort to strike De Jarnac: but he was unable to support himself, and fell powerless into the arms of his assistants. The officers now interfered, and De Jarnac, being declared the victor, fell down upon his knees, uncovered his head, and, clasping his hands together, exclaimed: '*O Domine, non sum dignus!*' La Chataigneraie was so mortified by the result of this encounter, that he resolutely refused to have his wounds dressed. He tore off the bandages which the surgeons applied, and expired two days afterwards. Ever since that time, any sly and unforeseen attack has been called by the French a *coup de Jarnac*. Henry was so grieved at the loss of his favourite, that he made a solemn oath that he would never again, so long as he lived, permit a duel. Some writers have asserted, and among others Mezerai, that he issued a royal edict forbidding them. This has been doubted by others; and as there appears no registry of the edict in any of the courts, it is probable that it was never issued. This opinion is strengthened by the fact, that two years afterwards, the council ordered another duel to be fought with similar forms, but with less magnificence, on account of the inferior rank of the combatants. It is not anywhere stated that Henry interfered to prevent it, notwithstanding his solemn oath; but that, on the contrary, he encouraged it, and ap



pointed the Marshal de la Marque to see that it was conducted according to the rules of chivalry. The disputants were Fendille and D'Augerre, two gentlemen of the household, who, quarrelling in the king's chamber, had proceeded from words to blows. The council, being informed of the matter, decreed that it could only be decided in the lists. Marshal de la Marque, with the king's permission, appointed the city of Sedan as the place of combat. Fendille, who was a bad swordsman, was anxious to avoid an encounter with D'Augerre, who was one of the most expert men of the age; but the council authoritatively commanded that he should fight, or be degraded from all his honours. D'Augerre appeared in the field attended by François de Vendôme, Count de Chartres, when Fendille was accompanied by the Duke of Nevers. Fendille appears to have been not only an inexperienced swordsman, but a thorough coward; one who, like Cowley, might have heaped curses on the man,

‘Death’s factor (sure), who brought  
Dire swords into this peaceful world,’

On the very first encounter he was thrown from his horse, and, confessing on the ground all that his victor required of him, slunk away ignominiously from the area.

“In the reigns of Francis II., Charles IX., and Henry III., the practice of duelling increased to an alarming extent. Duels were not rare in the other countries of Europe at

the same period ; but in France they were so frequent, that historians, in speaking of that age, designate it as ‘l’époque de la fureur des duels.’ The parliament of Paris endeavoured, as far as lay, in its power to discourage the practice. By a decree dated the 26th of June, 1559, it declared all persons who should be present at duels, or aiding and abetting in them, to be rebels to the king, transgressors of the law, and disturbers of the public peace.

“ When Henry III. was assassinated at St. Cloud, in 1589, a young gentleman, named L’Isle-Marivaut, who had been much beloved by him, took his death so much to heart, that he resolved not to survive him. Not thinking suicide an honourable death, and wishing, as he said, to die gloriously in revenging his king and master, he publicly expressed his readiness to fight any body to death, who should assert that Henry’s assassination was not a great misfortune to the community. Another youth, of a fiery temper and tried courage, named Marolles, took him at his word, and the day and place of the combat were forthwith appointed. When the hour had come, and all were ready, Marolles turned to his second, and asked whether his opponent had a casque or helmet only, or whether he wore a *sallade*, or headpiece. Being answered a helmet only, he said gaily, ‘ So much the better ; for, sir, my second, you shall repute me the wickedest man in all the world, if I do not thrust my lance right through the middle of his head and kill him.’ Truth to say, he did so at the very

first onset, and the unhappy L'Isle-Marivaut expired without a groan. Brantôme, who relates this story, adds, that the victor might have done as he pleased with the body, cut off the head, dragged it out of the camp, or exposed it upon an ass ; but that being a wise and very courteous gentleman, he left it to the relatives of the deceased to be honourably buried, contenting himself with the glory of his triumph, by which he gained no little renown and honour among the ladies of Paris.

“On the accession of Henry IV., that monarch determined to set his face against duelling ; but such was the influence of early education and the prejudices of society upon him, that he never could find it in his heart to punish a man for this offence. He thought it tended to foster a warlike spirit among his people. When the chivalrous Créquî demanded his permission to fight Don Philippe de Savoie, he is reported to have said, ‘Go, and if I were not a king, I would be your second.’ It is no wonder that when such was known to be the king’s disposition, his edicts attracted but small attention. A calculation was made by M. de Lomenie, in the year 1607, that since the accession of Henry, in 1589, no less than four thousand French gentlemen had lost their lives in these conflicts ; which, for the eighteen years, would have been at the rate of four or five in a week, or eighteen per month ! Sully, who reports this fact in his Memoirs, does not throw the slightest doubt upon its exactness ; and adds, that it was chiefly owing to the facility and

ill-advised good-nature of his royal master that the bad example had so empoisoned the court, the city, and the whole country. This wise minister devoted much of his time and attention to the subject; for the rage, he says, was such as to cause him a thousand pangs, and the king also. There was hardly a man moving in what was called good society, who had not been engaged in a duel, either as principal or second; and if there were such a man, his chief desire was to free himself from the imputation of non-duelling, by picking a quarrel with somebody. Sully constantly wrote letters to the king, in which he prayed him to renew the edicts against this barbarous custom, to aggravate the punishment against offenders, and never, in any instance, to grant a pardon, even to a person who had wounded another in a duel, much less to any one who had taken away life. He also advised, that some sort of tribunal, or court of honour, should be established, to take cognizance of injurious and slanderous language, and of all such matters as usually led to duels; and that the justice to be administered by this court should be sufficiently prompt and severe to appease the complainant, and make the offender repent of his aggression.

“Henry, being so warmly pressed by his friend and minister, called together an extraordinary council in the gallery of the palace of Fontainebleau, to take the matter into consideration. When all the members were assembled, his majesty requested that some person conversant with the subject would make a report

to him, on the origin, progress, and different forms of the duel. Sully complacently remarks, that none of the councillors gave the king any great reason to felicitate them on their erudition. In fact, they all remained silent. Sully held his peace with the rest; but he looked so knowing, that the king turned towards him, and said—‘Great-master! by your face I conjecture that you know more of this matter than you would have us believe. I pray you, and indeed I command, that you tell us what you think and what you know.’ The coy minister refused, as he says, out of mere politeness to his more ignorant colleagues; but, being again pressed by the king, he entered into a history of duelling both in ancient and modern times. He has not preserved this history in his *Memoirs*; and, as none of the ministers or councillors present thought proper to do so, the world is deprived of a discourse which was, no doubt, a learned and remarkable one. The result was, that a royal edict was issued, which Sully lost no time in transmitting to the most distant provinces, with a distinct notification to all parties concerned, that the king was in earnest, and would exert the full rigour of the law in punishment of the offenders. Sully himself does not inform us what were the provisions of the new law; but Father Matthias has been more explicit, and from him we learn, that the marshals of France were created judges of a court of chivalry, for the hearing of all causes wherein the honour of a noble or gentleman was concerned, and that such as resorted

to duelling should be punished by death and confiscation of property, and that the seconds and assistants should lose their rank, dignity, or offices, and be banished from the court of their sovereign.

“But so strong a hold had the education and prejudice of his age upon the mind of the king, that though his reason condemned his sympathies approved the duel. Notwithstanding this threatened severity, the number of duels did not diminish, and the wise Sully had still to lament the prevalence of an evil which menaced society with utter disorganization. In the succeeding reign the practice prevailed, if possible, to a still greater extent, until the Cardinal de Richelieu, better able to grapple with it than Sully had been, made some severe examples in the very highest classes. Lord Herbert, the English Ambassador at the court of Louis XIII., repeats, in his letters, an observation that had been previously made in the reign of Henry IV., that it was rare to find a Frenchman moving in good society who had not killed his man in a duel. The Abbé Millot says of this period, that the duel madness made the most terrible ravages. Men had actually a frenzy for combating. Caprice and vanity, as well as the excitement of passion, imposed the necessity of fighting. Friends were obliged to enter into the quarrels of their friends, or be themselves called out for their refusal, and revenge became hereditary in many families. It was reckoned that in twenty years eight thousand letters of pardon had been issued to persons who had killed others in single combat.



“Other writers confirm this statement. Amelot de Houssaye, in his *Memoirs*, says, upon this subject, that duels were so common in the first years of the reign of Louis XIII., that the ordinary conversation of persons when they met in the morning was, ‘*Do you know who fought yesterday?*’ and after dinner, ‘*Do you know who fought this morning?*’ The most infamous duellist at that period was De Bouteville. It was not at all necessary to quarrel with this assassin, to be forced to fight a duel with him. When he heard that any one was very brave, he would go to him, and say, ‘*People tell me that you are brave; you and I must fight together!*’ Every morning the most notorious bravos and duellists used to assemble at his house, to take a breakfast of bread and wine, and practise fencing. M. de Vallençay, who was afterwards elevated to the rank of a cardinal, ranked very high in the estimation of De Bouteville and his gang. Hardly a day passed but what he was engaged in some duel or other, either as principal or second; and he once challenged De Bouteville himself, his best friend, because De Bouteville had fought a duel without inviting him to become his second. This quarrel was only appeased on the promise of De Bouteville that, in his next encounter, he would not fail to avail himself of his services. For that purpose he went out the same day, and picked a quarrel with the Marquis des Portes. M. de Valençay, according to agreement, had the pleasure of serving as his second, and of running through the body M. de Cavois,

the second of the Marquis des Portes, a man who had never done him any injury, and whom he afterwards acknowledged he had never seen before.

“ Cardinal Richelieu devoted much attention to this lamentable state of public morals, and seems to have concurred with his great predecessor, Sully, that nothing but the most rigorous severity could put a stop to the evil. The subject indeed was painfully forced upon him by his enemies. The Marquis de Themines, to whom Richelieu, then Bishop of Luçon had given offence by some representations he had made to Mary of Medicis, determined, since he could not challenge an ecclesiastic, to challenge his brother. An opportunity was soon found. Themines, accosting the Marquis de Richelieu, complained, in an insulting tone, that the Bishop of Luçon had broken his faith. The Marquis resented both the manner and the matter of his speech, and readily accepted a challenge. They met in the Rue d'Angoulême, and the unfortunate Richelieu was stabbed to the heart, and instantly expired. From that moment the bishop became the steady foe of the practice of duelling. Reason and the impulse of brotherly love alike combined to make him detest it, and when his power in France was firmly established, he set vigorously about repressing it. In his *Testament Politique*, he has collected his thoughts upon the subject, in the chapter entitled ‘Des moyens d'arrêter les Duels.’ In spite of the edicts that he published, the members of the

nobility persisted in fighting upon the most trivial and absurd pretences. At last Richelieu made a terrible example. The infamous De Bouteville challenged and fought the Marquis de Beuvron; and, although the duel itself was not fatal to either, its consequences were fatal to both. High as they were, Richelieu resolved that the law should reach them both, and they were both tried, found guilty, and beheaded. Thus did society get rid of one of the most bloodthirsty scoundrels that ever polluted it.

“In 1632, two noblemen fought a duel in which they were both killed. The officers of justice had notice of the breach of the law, and arrived at the scene of combat before the friends of the parties had time to remove the bodies. In conformity with the cardinal’s severe code upon the subject, the bodies were ignominiously stripped and hanged upon a gallows with their heads downwards, for several hours, within sight of all the people. This severity sobered the frenzy of the nation for a time; but it was soon forgotten. Men’s minds were too deeply imbued with a false notion of honour to be brought to a right way of thinking: by such examples, however striking, Richelieu was unable to persuade them to walk in the right path, though he could punish them for choosing the wrong one. He had, with all his acuteness, miscalculated the spirit of duelling. It was not death that a duellist feared; it was shame, and the contempt of his fellows. As Addison remarked more than eighty years afterwards, ‘Death was not sufficient to deter

men who made it their glory to despise it ; but if every one who fought a duel were to stand in the pillory, it would quickly diminish the number of those imaginary men of honour, and put an end to so absurd a practice.'—Richelieu never thought of this.

“Sully says, that in his time the Germans were also much addicted to duelling. There were three places where it was legal to fight ; Witzburg, in Franconia ; and Üspach, and Halle, in Swabia. Thither, of course, vast numbers repaired, and murdered each other under sanction of the law. At an earlier period in Germany, it was held highly disgraceful to refuse to fight. Any one who surrendered to his adversary for a simple wound that did not disable him, was reputed infamous, and could neither cut his beard, bear arms, mount on horseback, or hold any office in the state. He who fell in a duel was buried with great pomp and splendour.

“In the year 1652, just after Louis XIV. had attained his majority, a desperate duel was fought between the Dukes de Beaufort and De Nemours, each attended by four gentlemen.—Although brothers-in-law, they had long been enemies, and their constant dissensions had introduced much disorganization among the troops which they severally commanded. Each had long sought an opportunity for combat, which at last arose on a misunderstanding relative to the places they were to occupy at the council board. They fought with pistols, and, at the first discharge, the Duke de Ne-

mours was shot through the body, and almost instantly expired. Upon this the Marquis de Villars, who seconded Nemours, challenged Héricourt, the second of the Duke de Beaufort, a man whom he had never before seen; and the challenge being accepted, they fought even more desperately than their principals. This combat, being with swords, lasted longer than the first, and was more exciting to the six remaining gentlemen who stayed to witness it. The result was fatal to Héricourt, who fell pierced to the heart by the sword of De Villars. Any thing more savage than this can hardly be imagined. Voltaire says such duels were frequent, and the compiler of the "Dictionnaire d'Anecdotes" informs us that the number of seconds was not fixed. As many as ten, or twelve, or twenty, were not unfrequent, and they often fought together after their principals were disabled. The highest mark of friendship one man could manifest towards another, was to choose him for his second; and many gentlemen were so desirous of serving in this capacity, that they endeavoured to raise every slight misunderstanding into a quarrel, that they might have the pleasure of being engaged in it. The Count de Bussy-Rabutin relates an instance of this in his Memoirs. He says, that as he was one evening coming out of the theatre, a gentleman named Bruc, whom he had not before known, stopped him very politely, and, drawing him aside, asked him if it was true that the Count de Thianges had called him (Bruc) a drunkard? Bussy replied that



he really did not know, for he saw the count very seldom. 'Oh, he is your uncle !' replied Bruc ; ' and, as I cannot have satisfaction from him, because he lives so far off in the country, I apply to you.' ' I see what you are at,' replied Bussy, ' and, since you wish to put me in my uncle's place, I answer, that whoever asserted that he called you a drunkard, told a lie !' ' My brother said so,' replied Bruc, ' and he is a child.' ' Horsewhip him, then, for his falsehood,' returned De Bussy. ' I will not have my brother called a liar,' returned Bruc, determined to quarrel with him ; ' so draw and defend yourself !' They both drew their swords in the public street, but were separated by the spectators. They agreed, however, to fight on a future occasion, and with all the regular forms of the duello. A few days afterwards, a gentleman, whom De Bussy had never before seen, and whom he did not know, even by name, called upon him, and asked if he might have the privilege of serving as his second. He added, that he neither knew him nor Bruc, except by reputation, but having made up his mind to be second of one of them, he had decided upon accompanying De Bussy as the braver man of the two. De Bussy thanked him very sincerely for his politeness, but begged to be excused, as he had already engaged four seconds to accompany him, and he was afraid that if he took any more the affair would become a battle instead of a duel.

" When such quarrels as these were looked upon as mere matters of course, the state of



society must have been indeed awful. Louis XIV. very early saw the evil, and as early determined to remedy it. It was not, however, till the year 1679, when he instituted the 'Chambre Ardente,' for the trial of the slow poisoners and pretenders to sorcery, that he published an edict against duelling. In that year his famous edict was promulgated, in which he reiterated and confirmed the severe enactments of his predecessors Henry IV. and Louis XIII., and expressed his determination never to pardon any offender. By this celebrated ordinance a supreme court of justice was established, composed of the marshals of France. They were bound, on taking the office, to give to every one who brought a well-founded complaint before them, such reparation as would satisfy the justice of the case. Should any gentleman against whom complaint was made refuse to obey the mandate of the court of honour, he might be punished by fine and imprisonment; and when that was not possible, by reason of his absenting himself from the kingdom, his estates might be confiscated till his return.

“Every man who sent a challenge, be the cause of offence what it might, was deprived of all redress from the court of honour—suspended three years from the exercise of any office in the state—was further imprisoned for two years, and sentenced to pay a fine of half his yearly income.

“He who accepted a challenge was subject to the same punishment. Any servant or other

person, who knowingly became the bearer of a challenge, was, if found guilty, sentenced to stand in the pillory and be publicly whipped for the first offence ; and, for the second, sent for three years to the galleys.

“ Any person who actually fought, was to be held guilty of murder, even though death did not ensue, and was to be punished accordingly. Persons in the higher ranks of life were to be beheaded, and those of the middle class hanged upon a gallows, and their bodies refused Christian burial.

“ At the same time that Louis published this severe edict, he exacted a promise from his principal nobility that they would never engage in a duel on any pretence whatever. He never swerved from his resolution to pursue all duellists with the utmost rigour, and many were executed in various parts of the country. A slight abatement of the evil was the consequence ; and in the course of a few years one duel was not fought where twelve had been fought previously. A medal was struck to commemorate the circumstance, by the express command of the king. So much had he this object at heart, that, in his will, he particularly recommended to his successor the care of his edict against duelling, and warned him against any ill-judged lenity to those who disobeyed it.”

“ In England the private duel was also practised to a scandalous extent, towards the end of the sixteenth and beginning of the seventeenth centuries. The judicial combat now

began to be more rare, but several instances of it are mentioned in history. One was instituted in the reign of Elizabeth, and another so late as the time of Charles I. Sir Henry Spelman gives an account of that which took place in Elizabeth's reign, which is curious, perhaps the more so when we consider that it was perfectly legal, and that similar combats remained so till the year 1819. A proceeding having been instituted in the Court of Common Pleas for the recovery of certain manorial rights in the county of Kent, the defendant offered to prove by single combat his right to retain possession. The plaintiff accepted the challenge, and the Court having no power to stay the proceedings, agreed to the champions who were to fight in lieu of the principals. The queen commanded the parties to compromise; but it being represented to her majesty that they were justified by law in the course they were pursuing, she allowed them to proceed. On the day appointed, the Justices of the Common Pleas, and all the counsel engaged in the cause, appeared as umpires of the combat, at a place in Tothill-fields, where the lists had been prepared. The champions were ready for the encounter, and the plaintiff and defendant were publicly called to come forward and acknowledge them. The defendant answered to his name, and recognised his champion with the due formalities, but the plaintiff did not appear. Without his presence and authority the combat could not take place; and his absence being considered an abandonment of his claim, he was declared to be non-

suit, and barred for ever from renewing his suit before any other tribunal whatever.

“The queen appears to have disapproved personally of this mode of settling a disputed claim, but her judges and legal advisers made no attempt to alter the barbarous law. The practice of private duelling excited more indignation, from its being of every-day occurrence. In the time of James I., the English were so infected with the French madness, that Bacon, when he was attorney-general, lent the aid of his powerful eloquence to effect a reformation of the evil. Informations were exhibited in the Star Chamber against two persons, named Priest and Wright, for being engaged, as principal and second, in a duel, on which occasion he delivered a charge that was so highly approved of by the Lords of the Council, that they ordered it to be printed and circulated over the country, as a thing “very meet and worthy to be remembered and made known to the world.”

“The most remarkable event connected with duelling in this reign was that between Lord Sanquhar, a Scotch nobleman, and one Turner, a fencing-master. In a trial of skill between them, his lordship’s eye was accidentally thrust out by the point of Turner’s sword. Turner expressed great regret at the circumstance, and Lord Sanquhar bore his loss with as much philosophy as he was master of, and forgave his antagonist. Three years afterwards, Lord Sanquhar was at Paris, where he was a constant visitor at the court of Henry IV. One

day, in the course of conversation, the affable monarch inquired how he had lost his eye. Sanquhar, who prided himself on being the most expert swordsman of the age, blushed as he replied that it was inflicted by the sword of a fencing-master. Henry, forgetting his assumed character of an anti-duellist, carelessly, and as a mere matter of course, inquired whether the man lived? Nothing more was said; but the query sank deep into the proud heart of the Scotch baron, who returned shortly afterwards to England, burning for revenge. His first intent was to challenge the fencing-master to single combat; but, on further consideration, he deemed it inconsistent with his dignity to meet him as an equal in fair and open fight. He therefore hired two bravos, who set upon the fencing-master, and murdered him in his own house at Whitefriars. The assassins were taken and executed, and a reward of one thousand pounds offered for the apprehension of their employer. Lord Sanquhar concealed himself for several days, and then surrendered to take his trial; but Bacon, in his character of attorney-general, prosecuted the prisoner to conviction; and he died the felon's death on the 29th of June, 1612, on a gibbet erected in front of the gate of Westminster Hall.

“ With regard to the public duel, or trial by battle, demanded under the sanction of the law, to terminate a quarrel which the ordinary course of justice could with difficulty decide, Bacon was equally opposed to it, and thought that in

no case should it be granted. He suggested that there should be declared a constant and settled resolution in the state to abolish it altogether; that care should be taken that the evil be no more cockered, nor the humour of it fed, but that all persons found guilty, should be rigorously punished by the Star Chamber, and those of eminent quality banished from the court.

“In the succeeding reign, when Donald Mackay, the first Lord Reay, accused David Ramsay of treason, in being concerned with the Marquis of Hamilton in a design upon the crown of Scotland, he was challenged by the latter to make good his assertion by single combat. It had been at first the intention of the government to try the case by the common law, but Ramsay thought he would stand a better chance of escape by recurring to the old and almost exploded custom, but which was still the right of every man in appeals of treason. Lord Reay readily accepted the challenge, and both were confined in the Tower until they found security that they would appear on a certain day appointed by the court to determine the question. The management of the affair was delegated to the Marischal Court of Westminster, and the Earl of Lindsay was created Lord Constable of England for the purpose. Shortly before the day appointed, Ramsay confessed in substance all that Lord Reay had laid to his charge, upon which Charles I. put a stop to the proceedings.

“But in England, about this period, sterner



disputes arose among men than those mere individual matters which generate duels. The men of the Commonwealth encouraged no practice of the kind, and the subdued aristocracy carried their habits and prejudices elsewhere, and fought their duels at foreign courts. Cromwell's parliament, however—although the evil at that time was not so crying—published an order in 1654 for the prevention of duels, and the punishment of all concerned in them. Charles II., on his restoration, also issued a proclamation upon the subject. In his reign an infamous duel was fought—infamous not only from its own circumstances, but from the lenity that was shewn to the principal offenders.

“The worthless Duke of Buckingham, having debauched the Countess of Shrewsbury, was challenged by her husband to mortal combat in January, 1668. Charles II. endeavoured to prevent the duel, not from any regard to public morality, but from fear for the life of his favourite. He gave commands to the Duke of Albemarle to confine Buckingham to his house, or take some other measures to prevent him from fighting. Albemarle neglected the order, thinking that the king himself might prevent the combat by some surer means. The meeting took place at Barn Elms; the injured Shrewsbury being attended by Sir John Talbot, his relative, and Lord Bernard Howard, son of the Earl of Arundel. Buckingham was accompanied by two of his dependants, Captain Holmes and Sir John Jenkins. According to the barbarous custom of the age, not only the principals, but

the seconds engaged each other. Jenkins was pierced to the heart, and left dead upon the field, and Sir John Talbot severely wounded in both arms. Buckingham himself escaping with slight wounds, ran his unfortunate antagonist through the body, and then left the field with the wretched woman, the cause of all the mischief, who, in the dress of a page, awaited the issue of the conflict in a neighbouring wood, holding her paramour's horse to avoid suspicion. Great influence was exerted to save the guilty parties from punishment, and the master, as base as the favourite, made little difficulty in granting a free pardon to all concerned. In a royal proclamation issued shortly afterwards, Charles II. formally pardoned the murderers, but declared his intention never to extend in future any mercy to such offenders."

The solemn farce of the championship at English coronations, exhibited, let us hope, for the last time, July 19, 1821, was a remnant of the *wager of battle*; kings not being bound to appear in their own person to support their titles or pretensions. The custom began in 1377, at the coronation of Richard II.

#### IV.—FEUDAL TITLES OF HONOUR AND OFFICES.

Our chief English title, *duke*, is the Latin *dux*, a leader. The next highest, *marquess*, was adopted in imitation of the French *marquis*; and that again from the German *mark-graff*, margrave, or lord protector of the marches, or boundaries. In Germany and Italy it had

really that distinctive meaning; elsewhere it was, and is, merely an honorary title.

Our word *earl* is the equivalent of the Latin *comes*,\* companion, peer, or *count*, and the term is Saxon; *viscounts* originally meant a count or earl's deputy. Our lowest grade of nobility, *baron*, was the highest among the early feudal distinctions; for it indicated the possession of large property, and almost royal power. Hence we may be pardoned if we enlarge a little upon the origin and quality of the feudal titular term *baro* or *baron*.

There is scarcely any word in the language the etymology of which is more uncertain than this; but we shall take it in its later feudal acceptation of a free landholder, or territorial chief, yet as of one not, necessarily, a man of noble title. In France those who had strong castles were called *barons châtelains*; and such, in fact, were the barons or chief nobles of England, in times immediately posterior to the Conquest. Afterwards, however, when higher sounding titles were assumed, baron meant rather a landed gentleman than a noble; and hence mistakes are sometimes made, in the matter, through modern writers not attending to this fact. For example, the inventor of

\* By some writers this title, the original head vassals, have been derived from the *comites*, counts or officers of the Roman imperial household; by others from the *comites*, or companions, mentioned by Tacitus as attending upon each of the German chiefs in war. The Normans reckoned as *comites*, or companions, all chief nobles who shared justiciary fines with the king.

logarithms (whose name no conventional adjunct *could* adorn) was, in his own day, rightly called "*baro* (or laird) de Merchiston ;" he is now wrongly called "Baron" and "Lord" of Merchiston, by his biographers.

A *barony* was an undefined amount of territory assigned to, or possessed by, a baron, holding his land *in capite* from the king, or by knight's service. There were originally *greater* and *lesser* baronies in Britain, France, &c. The former were lords of great power in England, and formed the king's council. Such, also, were the barons of the exchequer, and of the cinque ports ; but none of these were peers (*i. e.* equals) of the great territorial barons. The heads of the *lesser baronies* held their lands under the lords of the greater baronies. In temp. Hen. III. there were one hundred and fifty great barons. The most potent of these Edward III. summoned to his parliament. Barons by writ also began in the former reign ; but by letters patent, or creation, not till 11 Richard II.

*Paladins, palatines*, or counts palatine, were the highest order of earls. The chief officer of the great German monarch's *palace* was thus originally called *palatine* ; and the addition of *count* was given, with a portion of royal authority, to a favourite functionary of this kind, so that he could sit in judgment within his own territory. In course of time, the descendants of the palatines became petty independent princes ; as, "the elector *palatine*." The *paladins*, or companions in peace and war, of Charle-

magne are famous in the history of the middle ages.

The general term vassal has been derived from the Celtic *gwas*, or German *gesele*, meaning a helper or subordinate associate, in labour of any kind. Some writers think that vassal fiefs first became hereditary under Charlemagne. Mr. Hallam thinks they thus existed previously.

It is amusing to read in so many chapters of the titular apocrypha called the "British Peerage," how constant an attempt is made to deduce the origin of nearly all titled families from those of the barons who "came in with the Conqueror." But what if this could be proved? which it seldom ever can : it does not seem to be a very creditable thing to be descended from participators in one of the most gigantic national burglaries that was ever perpetrated.

The title of duke was tardy of introduction to, and never rife in England. To Magna Charta no name or mark of duke or marquis appears ; from which we may fairly infer that these titles were not in use early in the thirteenth century. The first English dukedom, in fact, dates from 1336 ; the earliest marquissate from 1355. And in 1572," says Dr. Trusler, "there was no duke in England." He further records (Brit. Chron.) "that by an act of Parliament passed June 16, 1477, George Nevil, duke of Bedford, was degraded from that rank, and all his subordinate titles annulled, because he had no means to support them with credit."

Patents of nobility were first granted A. D.

1095, by Philip I. of France, to persons not *terrinated*; *i. e.*—having no feudal property in land. This example was soon followed by other kings. The first peer created by patent in England (some say) was Lord Beauchamp of Holt, by Richard II.; others date the first noble patent from A. D. 1344. King John was the first of our monarchs who used the cincture of the sword in creating an earl.

*Gentleman; esquire.*—In France, a man could be a noble, and yet not a *gentilhomme*, as we shall have reason to mention elsewhere. How that matter stood in early England we cannot say, but in latter times the term was confined to the members of the landed gentry.

In 1414, Richard thought fit to create one Kingston a gentleman, in right of royal nomination.\*

The title "*esquire*," where it is not prostituted, is equivalent to the legal term "gentleman." But it is continually misappropriated in England, and still more so in Scotland and Ireland. It was rarely used in England, as an addition to men's names, before the fifteenth century, though its equivalent, *écuyer*, was much used in France previously.

The term *constable*, is a word which has sunk lower than almost any other, as an official desig-

\* Whether our gracious Queen can make a male subject a gentleman, in the strict sense of the term, may admit of doubt; but there is none about any man becoming highly genteel in the eyes of a cabman if he never disputes an extortionate fare. And if he overpay a waiter, the latter sets him down, infallibly, as "a perfect gentleman."



nation. It plainly derives from the words *comes stabuli*,—*comte de l'estable*, or master of the horse. The office of lord high constable of England was first created by William I., and then, or soon afterwards, was made hereditary. The functions were probably, once, the same as those of the high constable of France, a high personage, who was usually the chief warrior of the kingdom. But with us, the duties of the office of high constable came to be confined to the regulation of all matters of ceremonial chivalry, as tilts, judicial combats, &c. Thus it continued till A.D. 1521, since which time the office has been quite discontinued, except when revived at a coronation.

*Surnames*, of families, were originally a kind of titles.\* Those which arose in feudal times generally indicated a territorial standing, as "William de Crespigny," &c. The verbal particle *de* or *of* was less cared for in England than in France, where it serves to tickle personal vanity in soft-headed individuals to this day.

\* "Surnames began to be adopted, in England, under the reign of Edward the Confessor, but became not general till that of Edward II., early in the fourteenth century ; for, previously, the custom obtained, as among the Hebrews, Greeks, Saxons, Highland Scots, and Welsh, of calling a man the son of some one ; as John *son* of Richard (Richardson), Solomon *ben* David, Fergus *mac* Alpin, Evan *ap* Rice, &c. But this, in the commencement, was, in England, chiefly confined to the lower classes ; the higher ranks added the names of their estates, of which abundant evidence is found in Doomsday Book. Some, also, took the names of their trades, professions, or offices ; as, Gulielmus *Camerarius*, "William [the] Chamberlain," &c.—COLLET'S "Relics of Literature," p. 105.

*Names of reproach*, the antitheses of honourable titles, sometimes had an unreproachful origin. Thus the word *churl* was a corruption of *carl* or *charl* (modern Scotch *carle*, feminine *carline*), and meant a ploughman; from the old Gallic word *carr*, a plough. The lower class of freeholders, also, were called *charls* by the Saxons.

“A ‘coward’ originally meant a *cow-herd*, but came to be applied to a biped incapable of sentiments of martial honour. ‘A box on the ear’ has, from very old times, been considered an injury that must be expiated with blood; for as none but *villans* fought with uncovered head and face, boxing a free man was treating him in a *villanous* manner.”—*Dr. Trusler*.

#### V.—POLITICAL AND SOCIAL PRIVILEGES OF THE FEUDALRY.

THE name of these must be “Legion;” for they were almost countless. We can but barely notice a few.

The feudalry claimed and enjoyed—possess in some countries to this hour, as in Hungary, Servia, &c.—total exemption from all taxation, national and local.\*

\* In these above-named countries the nobles did not pay, or paid not lately, *any thing* towards the construction or maintenance of roads or bridges, &c. Within a few miles of Vienna, (where a part of Hungary interlocks) not long ago, perhaps yet, nobles and their servants might be seen passing gratis shamelessly over a bridge made by a private company, *all others* on foot or horse paying the toll.

Every considerable office, in church and state, they considered theirs, in right of birth. And in France, up till the year 1789, none but gentlemen could hold a commission in the army. Yet in that country the bar, at least, was open to *roturiers*; but in Scotland, till a time within the present century, young men of plebeian origin were jealously excluded from it.

The nobles everywhere claimed freedom from *arrest for debt*; this was not always openly accorded, in Britain, except in regard of legislators, (in England, for instance,) when parliament was sitting. But even the servants of the latter were free from arrest up to the year 1770. In Scotland, a "gentleman in difficulties" was allowed by law some days' delay, after judgment obtained against him,—which no other man could ask; these days he usually turned to account by taking himself beyond his creditors' reach. This was also the case in Poland; in both countries subsisting till pretty well forward in the last century.

A privilege the English nobility long had, was, that no man dared to *speak* or *write the truth* regarding their acts, criminal or otherwise. This was secured to them by law in the statute of *scandalum magnatum*, passed temp. Edward III. This law had a personal and beneficial origin, being meant to protect "old John of Gaunt, time-honoured Lancaster," from the villipending of those barons who hated him for favouring the common people. No actions were brought upon it for a hundred years afterwards,—but it long hung as a ready

scourge over the heads of the *little* who dared to speak their mind about the nefarious doings of the great. The English nobility had, and have yet to some extent, the right of legislating by their shadows in the shape of proxy-holders, when they do not think fit to be present personally in the senate-house. "At the close of the sixteenth century, the lords in parliament were entitled to use as many proxies as they could procure. In 1585, the Earl of Leicester usually had ten in his pouch. The Duke of Buckingham (the minion of James I. and Charles I.) had twenty in one parliament during the reign of the latter." (*Dr. Trusler.*)

Among the privileges always claimed, and frequently enforced, by the feudalry, "was the custom of the lord *to lie the first night with the bride of his tenant*. It was very common in the north of England and Scotland; but in the latter it was ordered to be abolished, by King Malcolm, in 1057, at the desire of his queen, and a merk in money assigned to each noble, on such occasions, in its place; this payment was called *marcheta*. "The *maiden rents* still paid at Builth, in Radnorshire, are of the same kind."—*Dr. Trusler*. Several of the Scotch feudalry, despite royal prohibitions, kept up the infamous practice till a late date. One of the Earls of Crawford, a truculent and lustful anarchy, popularly known and dreaded as "Earl Beardy," in the sixteenth century, was probably among the last who openly claimed *leg rights*\*

\* This is the literal translation of the French term for the established feudal *droit de jumbage*. And Captain

over his female vassals and serfs, to the humiliation of their spouses. The custom of "Borough-English is said to have arisen out of the *marcheta*, or plebeian's first-born son, being considered his lord's progeny."—*Dr. Trusler*.

The *right of assassination* was another feudal privilege which the great virtually claimed for themselves, by indulging in it with impunity their own, but punishing it in others. The French and Scotch feudalry exercised this privilege to a great extent. In 1407, the Duke of Orleans, only brother of the King of France, was publicly murdered in the streets of Paris; and an eminent lawyer was allowed to plead in favour of such slayings before the peers of France. Not very long before, the constable of France had a narrow escape from feudal assassins, for his attempts to bring the kingdom into order—an unpardonable crime in the eyes of the nobles. In 1414, it required all the eloquence and authority of the famous legist Gerson to prevail upon the council of Constance to condemn this proposition—"That there are some cases in which assassination is a virtue more meritorious in a knight than in an esquire, and more laudable in a king than in a knight."

Burt, in his "Letters from an English gentleman," written about the year 1730 (a well-known and esteemed book), said that the feeling was common in the north, in his time, that a laird, or a chieftain, or a son of theirs, getting a vassal's or a clansman's wife or daughter with child, was doing her a great honour! Thus did feudalism and clan-ship deprave the minds as well as bodies of their victims.



Besides the common encumbrances of escheats, heriots, &c. with which lands, when let, or copy-held, or feuded, were saddled by superiors, during the twelfth and thirteenth centuries, it was common for landed lords to stipulate for *lodging and keep* in their tenants' houses, while travelling, or pretending to travel. Several Scotch acts of parliament were passed (all found futile when tried to be carried into practice) against the great anarchs of that then miserable country, as abusers of this privilege, through which the cultivators of the soil were, it was said, literally "eaten up." Scotch tenants usually had to till their lords' domain acres gratis, cut and store their fuel, and also make, and keep in repair, such roads as there were, even then, leading to his house.

When pigeons were introduced, nobles and lords alone had the right to *lodge* them; but they always *fed* at the tenants' expense, and thus became voracious allies in depredation with wild animals; none of those were the tenants allowed to disturb in any way.

But it would be endless to particularise the privileges of the feudalry. They claimed from other men, in earnest, the right preferred by modern jokers, in the familiar phrase, "What's *yours* is *mine*, and what's mine is my own."

#### VI.—CHIVALRY.

OUR word CHIVALRY, is but the French *chevalerie*, both being derived from *cheval*, a horse; and the term indicates the nature of the thing



so far, that the leading mounted soldiers among the armed feudalry were the natural successors of the *equestrian* order among the Romans. A great impulse was given to the better spirit of chivalry, by its being ordained, at the council of Clermont, (A.D. 1094) "that every person of noble birth, on attaining twelve years of age, shall take a solemn oath before the bishop of his diocese, to defend to the uttermost the oppressed; also all widows, orphans, &c.; that all women of noble birth shall ever claim their especial care; and that nothing shall be wanting in him to render travelling safe, or to combat every form of tyranny."

In France, where chivalry, properly so called, originated, up to the reign of Francis I. (A.D. 1515—47), the chevaliers were divided into two classes; *knights bannerets*, and *knights bachelors*. The former were nobles of ancient lineage, or scions of old titled families, and needed to be opulent, for they were bound to maintain a considerable number of men-at-arms. They had for a banner a *square* pennon,† and wore golden spurs. A knight banneret, not less than a baron, could command an entire host, or feudal array of war. The bachelor knight was of inferior rank, or at least poorer; and having fewer vassals, he needed only to bring into the field a company of fifty men-at-arms; while he, in an army, always acted under some leader. He wore polished steel spurs, and his pennon was *pointed*. The *esquire*, or,

† A feudal array, in regular form, was estimated by the number and appearance of its *banners*.

armour-bearer, was the immediate attendant of a knight : he, too, was of noble blood (usually a cadet), and had previously passed through the grades of *page*, *damoiseau*, and *varlet*. Barons, knights, and esquires alike, were all entitled to wear "coat armour."

The foregoing may be considered the original orders of knighthood ; but there were numerous others, both purely military and pseudo-religious. The laborious and feudalry-adoring antiquary Ashmole gives, in ponderous folios, almost interminable particulars of the history of various kinds, with descriptions of their insignia, to the number of a hundred and more. Forty-six of these were of the religious class, such as the knights of the Holy Sepulchre, or Templars ; of St. John the Baptist, of St. Lazarus, &c. ; and last, but far from least, absolutely fondles, as if he would never have done with the subject of the "Order of the Garter,"\*

With respect to the *knights errant*, a self-constituted body of chivalry of no regulated

\* There is some reason for believing that a number of *chevalieres* or lady knights, were enrolled in annexation to the Order of the Garter, at the time of its institution (A. D. 1344) ; for Mr. Beltz, the latest historian of the order, has found in its records, certain great ladies of the founder's court designated, in dog-latin, as *dominæ de Recta et Liberatura Garterii* : and (in better French) *dames de la Fraternité de St. George*. A lady sovereign regnant might appropriately still create, or recreate, such a feminine order for women of *real* distinction. Lady Sale, for instance, the heroine of Affghanistan, and Lady Franklin, the most devoted of wives to the fortunes of a sacrificed husband, we should propose as the first entrants to such an order of genuine gentlewomen.

number, we need do no more than bid the reader fall back upon his recollections of "Don Quixote," for memorials of *them*. The hero of that romance was certainly the best, as he seems to have been the last of the queer lot. As for "Sir Lancelot Greaves," an awkwardly-wandering knight of the last century, of home invention, we place him in the Apocrypha of the chivalric scriptures.

#### NATURE AND ORIGIN OF CHIVALRY.

"THE historian of the middle ages," says M. Sismondi, "encounters difficulties of all kinds when he attempts to unravel the origin and progress of chivalry. He finds himself at the limits of reality and of the realms of fictions; so much is he deceived by poets and romancers, that he is transported into the midst of the creatures of their imagination; so much is he deceived, in a contrary sense, by the incompetent chroniclers, by their barrenness, even in the conception of events which they had under their eyes, when they defer to the imagination or feelings. If he seeks the first manifestations of that new spirit which made the knights, he is deceived by the antiquarians of every century, who, far from stopping their inquiries at the beginning of each thing, have always made an effort to repulse, to a greater distance, the origin of the institution which occupied them. If he tries to unite the parts of romancer and of historian, he is deceived by the successive adoption into real life of that which had at first

belonged to fable. In fact, the romances of chivalry in French and Latin, the fables of archbishop Turpin, the brilliant narratives of the court of Charlemagne, inserted in the great Chronicles of St. Denis, in the eleventh century, were become the habitual reading of all those whose occupation was arms and love; they were their sole instruction, the example they desired to follow; and the book which had been at first destined as a pastime in their long watchings, became their rule of conduct. In fine, the historian who disentangles fiction from reality, little risks being deceived by the poetic sentiment which he finds by turns in his readers and in himself, by that want of generous emotions, of virtue, or of nobleness of soul, so little satisfied by men of history, and will only content himself by adopting the men of the romantic world.

“ Chivalry, such at least, as it has existed, shone in all its brilliancy at the time of the first crusade, that is to say, during the reign of Philip I : it had commenced in the time of his father or grandfather; at the period when Robert died, or Henry mounted the throne, we must regard the manners and opinions of France as already entirely chivalric. Perhaps, indeed, the contrast which we have remarked between the feebleness of the kings, and the strength of the warriors, was the most proper circumstance to cause the birth of the noble idea of consecrating in a religious and solemn manner the arms of the strong to protect the weak. During the reign of Robert,

the castellan nobility [*noblesse châtelaine*] had continued to multiply : the art of constructing castles had progressed ; the walls were thicker, the towers higher, the ditches deeper ; this same perfecting of architecture which was distinguished about the year 1000, by the erection of so many temples and sanctuaries, covered France with almost impregnable towers. The art of forging defensive arms had also progressed ; the warrior was entirely clothed in iron or bronze ; his joints were covered, and his armour, in preserving the suppleness of the muscles, left no entry to the steel of the enemy. The warrior could hardly conceive fear for himself ; but the more he was hurt, the more pity he ought to feel for those whom the feebleness of age or sex rendered incapable of defending themselves ; for the unfortunate found no protection in a disorganized society, under a king timid as the women, and, like them, shut up in his palace. The devotion of the arms of the nobility becoming the only public force for the defence of the oppressed, seems to have been the fundamental idea of chivalry. At a period when religious zeal was re-animated, when valour seemed to be the most worthy of all the offerings that could be present to the Divinity, it is not very strange that a military ordination was invented, after the example of the sacerdotal ordination, and that early knighthood had appeared a second priesthood, devoted in a more active manner to the service of God. It is probable, also, that the worship of the Virgin Mary, which almost displaced that of the



Divinity, and which accustomed them to turn their pious attention towards the image of a young and beautiful woman, contributed to give the defence of the weaker sex, and to love, that religious character which distinguishes the gallantry of the middle ages from the heroism of ancient times.

“ The order of chivalry, in fact, conferred upon the warriors of the state an engagement as much religious as military, it was to ‘ God and the ladies’ that the knight, by mystic ceremonies, devoted himself: the holy order of chivalry could not be conferred on infidels. The candidate began by taking a bath, to imply that he presented himself to the order free from sin; he dressed himself in a white linen tunic, a robe of golden tissue, and a black cloak, and an explanation was given to him that those colours represented the purity of his future life, the blood that he was to shed for the church, and death which he was constantly to bear in mind; the sash was for him a new pledge to henceforth lead a chaste life; the gilt spurs, to fly with rapidity wherever his duty called him; finally, in girding his sword, he who armed the knight recommended him to rectitude and loyalty, the defence of the poor, in order that the rich should not oppress them, and the protection of the weak against the contempt of the strong. In order that he should keep the remembrance of his promises, he struck him with a *colée*, a blow with a sword upon the neck, or with a slap, *colaphus*. It was, then, even the manner of securing testimony; and



whenever a lord granted a charter he gave a slap to the witnesses, of whatsoever rank they might be, in order that they might not forget the transaction. He who armed a knight, recommended him afterwards four things, as included in his vow of chivalry : to avoid every place where treason or false judgment should be, if he were not strong enough to prevent it : to help with all his power and honour the ladies and damsels ; to fast every Friday, and make offerings every day at mass. It appears that the priests had not forgotten themselves in partially communicating their institutions to the knights.

“ The order of chivalry, was only granted to men of noble blood. The barrier which separated the serfs or villeins from the gentlemen, was so immense, that it was not supposed that there was any one who could surmount it ; courage and virtue were considered as being quite as much the prerogatives of illustrious blood, as power or the enjoyment of liberty. This exclusion was so universally established that it would be difficult, perhaps, to find laws that sanctioned it ; they no longer did to the great mass of men the honour of including them in the human species. But among gentlemen, the order of chivalry, being only granted to the accomplished warrior, could not be obtained until after a period of probation or apprenticeship ; and what is remarkable, is that the very men who looked upon servitude as an indelible stain, had nevertheless wished that a state of servitude should be the prepara-

tion required to arrive at what they looked upon as supreme honour: the high-born young man, the *varlet*, the *damoiseau* or *esquire*, had to serve an apprenticeship under the orders of a knight, before aspiring to chivalry.

“It was the general opinion, that personal service, that the situation of valet, far from degrading, was a noble calling. Thanks to that opinion, all the castles became in some wise the schools of chivalry. The same young men who filled almost all the domestic occupations of the house, who were to share in its defence with the Castellan in case of attack, were also the companions of the sports of his son, and the rivals with whom he inured himself to all bodily exercises. Again, at night, they were admitted into the society of the ladies of the house; they served them, but they endeavoured, at the same time, to please them. Sports, music, and poetry, began to be the elegant recreations of those assemblies—mixing masters and servants, all equals by origin; and, the privacy of that life of the castles, where familiarity was always corrected by a sentiment of subordination,—where the pride of command was tempered by the respect which the masters felt was due to pages, valets, and esquires, of a birth equal to theirs,—was, perhaps, the most powerful cause of the softening of the manners and the rapid progress which France made towards elegance and courtesy.

“Although every Castellan, who had acquired any reputation in arms, kept in some wise a

school of chivalry; that every noble lady assembled, also, in her castle, the young girls to whom she could best teach elegant manners, in return for services which she expected from them; the vanity of rank was reproduced in the midst of that exchange of good offices; the Castellan, after having procured for his son, for play-fellows and fellow-students, young folks a little inferior to him in power and riches, in his turn desired that he should mix in the society of his superiors. The court-yard was originally the place assigned, in every castle, for all chivalric exercises; shortly its name was given to every school of chivalry. The manners that were particularly learned there, were, in consequence, called *courtesy*; only those manners were the more distinguished as the court where they had been acquired was more elevated; it was necessary for the esquires, the son of a baron or viscount, to complete his education, by passing a few years at the court of a count or duke; the two latter, in their turn, could but gain by teaching subordination and obedience; and as in the feudal scale, kings were above them, the court of kings was considered as the supreme school of courtesy of the kingdom.'

Ashmole admiringly opined that "in the dignity, honour, and renown of knighthood, is included somewhat of grandeur greater than nobility itself, which, mounting the royal throne, becomes the assertor of civil nobility, and sits as judge at the tribunal thereof." "The spirit of chivalry," says Godwin, (a better judge

of it,) was a strange mixture of valour, superstition, and gallantry. War was the grand business of the knights, and for the sake of its honours the pursuits of peace were scorned; and habits of even ferocious warfare were not deemed inconsistent with his vaunted profession.\* Religion, whose genius was sadly mistaken, was made to impart her sanction to a life of violence and bloodshed, and the sword and the cross were strangely coupled; while

We cannot have a better proof of this, than what is furnished by the following incident, taken from Froissart, but slightly abridged:—In 1355, when the people of the town of Limoges revolted against its English masters, on account of a tax imposed upon them by that ‘mirror of chivalry,’ Edward the Black Prince, to defray the expenses of an unjust and impolitic war he was waging to restore a dethroned tyrant, Peter the Cruel, king of Castile, the place was besieged, taken, and delivered up to military execution. “The prince,” says Froissart, “the Earl of Cambridge, the Duke of Lancaster, &c., with all their companies, and footmen ready apparelled, entered together to do evil, and rob and pillage, and to slay men, women, and children; for so it was commanded them to do. It was great pity to see the men, women, and children, that kneeled down on their knees to the prince for mercy; but he was so inflamed with ire, that none was had, but all put to death as they were met withal, even such as were nothing culpable. There was no pity taken of the poor people, who wrought never any manner of treason; yet they paid for it dearer than the *great personages who had done the evil and trespass*. More than three thousand men, women, and children, were slain that day. God have mercy on their souls, for I trow they were martyrs.” The knight, in combating the infidels or heretics, knew no other argument than force. The maxim of “the sainted knight and most christian king,” Louis IX. of France, was, “Argue not with an unbeliever, be he infidel or heretic, but thrust the Christian lance or sword into his body, as fast and as far as you can!”

gallantry animated the bosom of the holy soldier, and ‘God and the ladies!’ was his favourite watch-word. His mistress was the deity he adored [or *professed* to adore]: she was the religion for which he fought, and was ready to spill the last drop of his blood. Her safety he was to watch over with exhaustless vigilance; her injuries to avenge; and her reputation, whether for beauty or honour, to assert and defend.”

The *adoration* of women by the knights of olden times, as with too many gallants in present days, was of a sensual character almost entirely. It was little better in intense selfishness, than that which causes a Turk to prize a handsome Circassian, and shut her up in his harem; a beautiful soulless creature, to be petted and fondled at leisure hours. Then the life of the young *châtelaines*, and *damoiselles*, in their husbands’ or relations’ castles, was one of solitary insipidity, varied by sensual dissipations well adapted to induct criminality. To have some idea of its general nature in war-time, we have only to imagine what would ensue if a number of ladies and their attendants were shut up with officers and soldiers in a barrack.

Commend us to the present times, which do begin to be really chivalric—though still far deficient—in regard to the better portion of the creation, out of respect for its own merits, independently of the chance accompaniment of beauty or youth in the individual. A man of our time, “who has high-soul’d thoughts, seated in a heart of honour,”—to use the words of Cer-

vantes, will always be considerate and courteous to that (not always or necessarily *fair*, but) ever naturally GENTLE SEX, whose company and kindnesses alone make this world worth living in.

## VII —FEUDAL CASTLES.

CASTELLATION was the *stony chain* with which feudalism held and compassed its subjects. It was little or not at all known in Britain till after the Norman Conquest; for stone buildings were not in use by the Saxons; even their cathedrals were built of wood; yet it is asserted even by those who ought to know better, that there are Saxon castles of feudal make still existing in England; such as Coninsburgh Castle, near Doncaster, (well-known romantically, to the readers of “*Ivanhoe*,”) Bamburgh Castle, in Northumberland; all said to be “*very certainly* Saxon constructions;” but Mr. Hudson Turner, a competent authority, is convinced that, with the exception of Arundel Castle, Sussex, in its older parts, there is not a trace of any Saxon castle extant in England.\*

The choice of a castle site was important. Seaboard castles were usually built on some rocky promontory, of peninsular form, so as to be of impossible, or at least difficult access, on all sides but one. Advantage was similarly taken, when inland, of the turning points of rivers and streams, which are often bent from their

\* “*Early English Domestic Architecture.*”



course by an insulated rock, or a sudden rise in the land. Norman castles were usually of one type :\* the central and most imposing part was the square donjon or *keep*, around which were grouped the outer defences. The keep was several stories high, and from its upper platform a wide view could usually be obtained over the country. Some castles had a *base court*, or outer area, surrounded by walls having *flanking towers*. Beyond this, again, was a mural enclosure, the interior of which formed a kind of vestibule to the chief entrance.—Outside of all was a broad breastwork or *barbican* ; around which was dug a *moat* or *fosse*, which was simply a wide and deep ditch, dry, or filled with water : this was crossed by a *drawbridge*.

The following was the usual arrangement of the interior :—the ground storey, in which were usually the kitchen, store-house, and *prison*, had very thick walls, and the rooms, or rather arched vaults, had no windows, but were dimly lighted by loop-holes, or arrow-slits. In some cases, a postern door gave private access and egress to this lower storey ; but, usually, the proper entrance was placed pretty far up the wall in one of the fronts, communicating by a drawbridge, with a massive but narrow staircase. The door, opening to the exterior, had behind it, a second or interior door, portcullised ; that is, it could slide up

\* Rochester Castle, on the Medway, built about A.D. 1070, and still tolerably complete, is the best existing illustration of what is said above.

and down, to permit or debar entry. On the second floor were the rooms of the warders and garrison. These had generally no windows in the front wall, but were lighted by loop-holes in the three other frontages. The third floor contained the chief apartments, including the great hall, at the end of which was the fireplace: a deep recess, with a wide chimney rising above, and spacious enough to admit benches on each side of the fire. In the palatial halls of great castles, there was a dais, or raised part at one end, and sometimes a gallery for musicians half way up one of the walls. The hall was lighted by high, narrow, usually lancet-headed windows: some of the side-rooms had no light but what came, at second-hand, from the hall. On the fourth, or uppermost storey, the rooms were the best lighted; its windows were more numerous, and usually more ornamented outwardly, than those below, as being less liable to assault or damage. On this floor, during a siege, the larger weapons of defence were placed. It was covered with a flat roof, with a battlement raised around: in some cases the latter being machicolated; that is, having a bulging course, with openings, through which molten lead, &c., could be poured, or let down, on the heads of close assaulters.

The same mode of attack was invariably adopted, by mining and battering the walls, and wheeling up to them immense covered machines divided into different stages, from which the archers and crossbow-men attacked

the soldiers on the battlements of the castle. But such was the inert resistance presented by the thick-walled blank-sided fortresses, that a few determined men could hold them for months against a beleaguering host, with all their means and appliances of *balistæ*, *trebuchets*, *mangonels*, *sows*, *rams*, &c.

Lovers of the "picturesque" look upon the ruins of old castles with a doting reverence, which a knowledge of their uses and abuses turns rather into the instinctive aversion we have in viewing the dens of wild beasts. In general, they were not employed so much for protection or even for defence, as for oppression, and to shelter marauders, titled and untitled. The commendatory phrase "venerable ruin!" so common in romantic descriptions of landscapes, is sadly misapplied to such vilely employed constructions as feudal castles.

"The confidence of every feudal chief in the strength of his abode (were it composed but of one tower), in the superior mettle of his horse, of his sword, of his defensive armour, developed in him a valour which had not been perceived as long as he had no means of resistance. A nobleman's life was so much more difficult to take than a plebeian's, that he accustomed himself, and every one accustomed himself like him, to estimate it infinitely more. Even when a hundred hands were raised against him, he was assured that none could reach him; there remained nothing for him to do but to see that his means of annoying were equal to his means of defending himself, and that his hand alone

was more formidable than the hundred whose blows he had already braved. To this end he strengthened himself by constant exercise, and the dexterity which he acquired in all feats of horsemanship: his whole life was devoted to the exercise of arms, and to the education of his charger; and if, therefore, ignorance made progress among the nobility, in spite of the developement of the mind and the softening of the national manners, it is because the gentleman had no time left to do anything else than to prepare himself for fighting.

“There was then in society a class of men in itself stronger than all the rest of the nation; a class of men almost invulnerable in battle, wherein they struck without being liable to be struck in their turn; a class of men which no authority, no justice could reach, inasmuch as they were in strong castles, which neither the power of the sovereign, nor the talent of the engineers of the century could open.—This class, superior to all others in strength of body and in dexterity in the exercise of arms, was still more so, from a necessary consequence, in haughtiness and in self-love.

“It is worthy of remark, that in the barbarous centuries, the art of defence was much better perfected than that of attack: in the latter no preservatory means are equal to the destructive powers which the progress of science has put into the hands of man. All the means of attack have become disproportioned to the means of security; no armour can turn aside a ball, no castle can resist the first cannon-shot,

no stronghold, even surrounded by works which surpass in strength and solidity all the monuments which we most admire, can sustain a siege of six months. In barbarous times, on the contrary, when they did but commence applying the arts to the customs of men, the towns which were lately surrounded by an enclosure, were soon in a state to defy the most formidable invasions ; soon even the dwelling of each rich man could be made to shelter himself from the attacks of his enemies ; the strong walls of the isolated tower wherein he found refuge, allowed him, with a small number of domestics, to brave all the violence of the multitude ; industry, when he had wherewith to pay it, laboured, in fine, to put his person, even in open country, out of reach of danger ; and his cuirass became a moveable fortification, under the security of which he remained invulnerable, in the midst of a population which he despised.”—*Sismondi*.

Noblemen's seats, in early England, when built on hills, were called *buryys*, *bergs*, or *burghs*, from the Saxon word “*beorg*.” The central keeps or donjons are of Norman origin ; the French called the keep *la tour maîtresse* ; the word *keep* probably is derived from the prisons all of them had, being in that building. The donjon was the real “tower of strength” of a feudal king or chief noble. There were kept his records, if he had any, and there he held his chief foes in duress, when he could seize their persons. “Doomsday-book” was, doubtless, for centuries, deposited in the Tower of

London. Thus London Tower, as well as the *tower maîtresse* of the Louvre, were long the terror of insurgent barons in each country. The former is said to have been built to "keep the Londoners in check," by William the Norman (then a few hundred people, and all unarmed.) Why *they* needed to be kept so specially "in check," standard historians have omitted to tell us. The chief castle of a feudal king was at once a fortress and a palace for himself, a prison for his foes. Nay more, it was much more physically demonstrative of his power than the regal symbol of a golden crown. To the uniform early Norman fortresses succeeded castles of divers embattled construction; and when castles became palaces and manor-houses, they had only the show of embattling. Such was Windsor Castle, as rebuilt by Edward III. The noble piles reared by Edward I., as Caernarvon Castle, &c., or Conway, were a kind of imitations of the Saracenic constructions he had seen in the Holy Land.

#### VIII.—DEFENSIVE ARMOUR OF THE FEUDALRY.

The use of arms, casques, and cuirasses, dates from the year A.D. 752, or thereabouts. The ancient Greeks and Romans, indeed, wore helmets and coats of proof; but the barbarians who succeeded were too short of iron to enable them to have more than hand warlike implements; and with these even, it is probable, they were on their first incursions poorly supplied. Iron, the master-metal, though plenti-



fully distributed, as an ore, in most parts of the earth, and usually quite within reach, betrays its presence by no sign intelligible to uncivilised man; so as it is the most useful, yet was it discovered last of the ordinary metals. The original body coats of defence were of leather, as the word *cuirass* plainly tells us. Afterwards, when the soldiers had leather jerkins with *mailles* (Fr.) or thin metallic discs sewed upon them, they were called coats of *mail*.\* Then there were *shirts of mail* (a misnomer) or of iron net-work; *chain armour*; and lastly, *plate armour*.

If the description of the Scotch chivalry, as given by Scott in the "Lay of the Last Minstrel," be true to the letter, we cannot say we should have liked to purchase personal safety, or the utmost power of aggression, at the price of wearing such uneasy outer clothes as the following:—

"They were all knights of *mettle* true,  
Kinsmen to the bold Buccleugh.  
Ten of them were sheathed in steel,  
With belted sword and spur on heel :  
They quitted not their harness bright,  
Neither by day, nor yet by night :  
They lay down to rest  
With corslet laced,  
Pillowed on buckler cold and hard :  
They carved at the meal  
In gloves of steel ;

And they drank the red wine thro' the helmet barr'd."

Even the horses of the best appointed knights,

\* Something similar were the *lorica squammata*, or metallic scale armour of the Romans.

barons, and men-at-arms, &c., were latterly covered with iron caparisons. But a good time was now coming ; that of *the blessed invention of GUNPOWDER* ! a foul-looking and ill-smelling dust, soon to be the means of unpacking the knights, who had ridden too long rough-shod over the people ; and the efficient cause of driving both them and their retainers out of their hitherto all but impregnable stone fastnesses, which for ages had been the fixed, as body armour was the locomotive means of prolonging feudal tyranny.

In the early ages of chivalry, body armour was very plain ; but when the chivalric spirit declined, ornamentation of coats of mail came into play. Suits of steel, carved, or washed with silver, were not uncommon ; a few were made of solid silver, and in one or two instances at tournaments, were of gold. Hand arms, too, became luxurious, by degrees, in like manner.

While on this subject, we may remind the reader, that certain unsexed women, as the Countess de Montfort, &c., wore armour ; and there are several suits evidently feminine, *from certain peculiar adjuncts*, in the *Musée d'Artillerie*, at Paris.

#### IX.—FEUDAL HAND ARMS, &c.

These were very numerous, and varied in different ages ; the chief being the spear or lance, and sword and dagger. The long-bow was the favourite weapon of the English archers ; the cross-bow, of the continental bow-

men. The latter, after its first invention, was thought too murderous, and proscribed by one or more of the popes; but we question if it was as effective as the long-bow in the hands of the yeomen of England. In the English wars against the Scots, the latter were, not seldom, defeated by it, before the parties could come to hand strokes or thrusts; and it is also certain that the Scots, besides being usually far less numerous in the field, were in *all* respects worse armed than the English. A favourite weapon in Scotland was the battle-axe. The latter, when made light, and fixed to the end of a long pole, became a halbert.\*

*Birds consecrated to Chivalry.*—The bearing hawks on the hand, by a knight or baron, or lady of a castle, or by their attendants, was a distinctive mark of nobility. "It is difficult to realise the estimation in which hawks, falcons, &c., were held during the chivalric ages."—*Mills*. One reason for it which will suggest itself to unchivalric minds may be this, that as the two classes of bipeds, plumed and unplumed, were animals of prey, a sympathy between them was natural. The meat of peacocks, pheasants, and even of swans, was considered to be the "proper food of knights and loving ladies," and Vows, on solemn occasions, were made "by the peacock." When Edward I., set out on his last campaign against Scotland, but which country he was never to enter more, he swore "by the swans,"

\* Gentlemen fought on horseback; *villains*, on foot, with a club, mace, or cudgel.

to take signal vengeance for the rebellions against his authority which the Scotch feudalry had stirred up, after swearing fealty to him, almost every man.

*Chivalric vows.*—The more barbarous the age, the more ignorant or perverse-minded the individual, the more do they indulge in vows. To adhere always to any given belief or opinion, or sentiment, in all times coming, in spite of whatever may happen to change it, is foolish; to persist in following up a predetermined course of action when after circumstances may render it inexpedient, is always improper, and may be criminal. The tragic incident inferible from the first authentically recorded vow we know of, (Jephtha's) was certainly not very encouraging for a continuance of vow-making. In chivalric times, vows were nearly as common as the kindred absurdity of modern days, laying wagers. One of the most amusing vows we know of, is recorded in Vaughan's "Life of Wickliff, in these terms:—"A band of youthful knights of England had at this time (about A. D. 1350) sallied forth to the wars in France, each with a bandage over his eye, having *made a vow* not to use the other till their prowess should have won the favour of the ladies!"

#### X.—FEUDAL COAT ARMOUR.

HERALDRY, or the "art of blazoning," as a phasis of feudalism, dates from the tenth century, and is said to have been initiated by Henry

Duke of Saxony, about A. D. 919. The qualities of warriors of note, living or dead; events in the history of men of rank, houses of noble families, characteristics of nations, &c., were typified by a species of tangible symbols; and as these were at first borne upon shields, round, square, &c., hence we see the origin of the configuration field, or in what we call, improperly, "coat of arms;" but which were better called a scheme of heraldic armorials. Every baron or owner of a fief was entitled, by herald's rules, to wear coat armour; so were knights and esquires, generally, but especially knights bannerets and bachelors. Heraldic symbols\* multiplied as feudalism extended, beyond all calculation. In every country of Europe there was a herald's college founded, to explain and regulate them; attached to which was a band of functionaries who passed anxious lives in studying what at last became a very complex "science." Chief heralds were important persons in the days of chivalry, and still called "kings-at-arms." At a time when all public business and the intercourse of the great

\* Thus, the *planta genista*, or broom-stalk, was both the symbol and name of the Plantagenets. One legend of its adoption is thus given:—"Fulk, first Earl of Anjou of that name, stung with remorse for some wicked action, went on a pilgrimage to Jerusalem to atone for it; where, being soundly scourged with broom twigs, which there grew plentifully, (?) he got the name of Plantagenet, which descended to his posterity, kings of England."—*Haydn*. A more probable account is that of the author of "*L'Art de Vérifier les Dates*,"—viz., that "Geoffrey V., Count of Anjou, was called Plantagenet because he wore a sprig of broom in his casque."

were attended with regulated ceremonials, heralds were often fitly appointed as special envoys, but never as *plenipotentiaries*, for they had but one prescribed duty to fulfil on most occasions. To ill-use any herald was by construction to ill-use those who sent him; just as in modern times, to maltreat an ambassador is considered a fair cause for his nation going to war.

During the feudal times, heraldic symbols had great significance, as they formed a kind of *eye language*, very useful in an ignorant and especially unlettered age. While the crusades were going on, when men of all European countries, speaking every kind of language and dialect, all led by one great noble, or by a very few chiefs, their convenience in discriminating "who was who," needs not to be enlarged on. But in *our* day, heraldry is worse than useless, for it only keeps up an unreasonable pride in ancestry, or ministers to the vain folly of the personally contemptible. Even the royal arms is a piece of compound barbarism. *Leopards* or *lions* were never aborigines of this country; *unicorns* never existed anywhere. The horse and the ox would be fitter symbolic supporters in our country's escutcheon—the one as indicating swiftness of progression, the other as typical of rural labour and peaceful industry.\*

\* The city arms of London would also rightly bear a few changes. Walworth's dagger did not stab for metropolitan interests in particular; but as the city heroes are allowed to be the most valiant of trencher-men, why not



## XI.—TOURNAMENTS, JOUSTS, &amp;c.

THESE professed to be friendly or emulative contests, in imitation of war. The playfulness of most active animals—especially those of the carnivorous kind, as tigers, cats, and dogs—are all suggestive of aggression, so were the favourite diversions of men, in ages when their wild beast nature was but partially softened. What we now call “practical jokes” our ancestors called *horse play*; and tournaments may be considered as that horse play of the most exalted order, in which life was always jeopardized, and sometimes lost.

At what exact time of the middle ages tournaments began, is uncertain. The motives which led to their introduction, says M. de St. Palaye, were these: The young feudalry found them as suitable and honourable means for testifying the progress they had made in the school of arms; their elders eagerly profited by such occasions for shewing off their veteran skill and practised address; and above all, young chevaliers delighted in them, as presenting favourable occasions for attracting or securing the esteem of the ladies; who, at least latterly, as they sat the presiding divinities of the war-like show, they were the arbitresses in adjudging prizes to those who excelled in strength, skill, and alertness. On such occasions, amorous

bring a knife and fork into the *field*? Other additions and improvements might be suggested, which we leave to the aldermen to do for us.

combatants usually wore an embroidered scarf, or "a favour," namely, a token given by, or playfully snatched from a lady, present or absent: this was fixed on the casque, on the tilting lance, on the shield, or some other visible part of the arms or armour. Feudal tournaments began in Gaul; and we find that the sons of Louis le Debonnair, gave one, A.D. 870, to commemorate their reconciliation with each other. The German Emperor, Henry "the Fowler," gave a tournament at his coronation, in 920. Rapidly spreading soon afterwards, public tiltings became common all over Europe, and were copied or continued by the Moors of Spain. In 1050, Geoffroi de Preuilly drew up a set of rules for the regulation of tournaments; which became a standard code for knightly reference during his own and after ages. One of the greatest of early tournaments was that celebrated at Boulogne, on the occasion of the marriage of our Edward II. to the Princess Isabella, the "she-wolf of France," mother of Edward III. The latter monarch was himself a great favourer of this kind of spectacle, which no doubt he did for political purposes. In 1344, he gave a grand tournament at Windsor Castle. He previously invited foreign knights of distinction from all parts of Europe, to attend and take part in it, sending a safe-conduct to each for his protection while in England—doubtless a needful precaution, but which does not say much for the civilisation of this ultra-chivalric time. He gave, also, on the same occasion, a great enter-

tainment (on St. Hilary's Day) to the native and foreign knights and chiefs of the feudalry, in a round hall, constructed for the purpose, two hundred feet in diameter, which was thus shaped to avoid disputes about precedence: and all who sat about it were, for the nonce, considered as simple "Knights of the Round Table,"—this term being a revival of the title of the chevaliers of the real or fabled King Arthur, who passed for having first established knighthood in England. About the same time, Philip of France exhibited a like tournament; and by that means got into his power several Anglicised nobles of Brittany, some of whom he beheaded soon afterwards. This piece of treachery provoked Edward, who challenged the French king to single combat; but Philip not accepting the cartel, a fierce war ensued between them next year.

Early in 1358, Edward II. proclaimed, at home and in foreign countries, by his heralds, his intention to hold a festival, accompanied with tiltings, &c., on St. George's-day ensuing, to commemorate his recent victories, and solemnise the founding of the order of the Garter. There was present, but as a prisoner, King David, of Scotland; and, as a guest, the French King, John. The latter said of the entertainment, that he never saw so royal a feast, and so costly, made with *tallies of tree*, without paying of silver.\*

\* These were the fiscal laths, afterwards well known, down to our day, as "exchequer tallies," and upon which were scored the marks of what was due to royal and

At the time when the "royal feast" was given, the rebuilding of Windsor Castle was going on; begun in 1351, it was not finished till 1369. We are tempted to observe, by way of throwing a few shades into the bright picture of feudal splendour about to follow, that during every one of the eighteen years when the works were in progress, whether under William of Wykeham or Geoffrey Chaucer, (both of which great men's names appear as chief constructors, or superintendents,) workmen were *impressed*, by hundreds, to get on with the work, at such wages as the king chose or was able to give. This shows that even the flower of the English artisans were not yet disenthralled from the bonds of villenage, which left them at the mercy of the nobles and their chief, the feudal king.

Tournaments, in England, were thus described, by Knighton, as he saw them, in the year 1348:—"These tiltings are attended by many ladies, of the first rank and greatest beauty, but not always of the most untainted reputation. The ladies who now frequent them are usually dressed in party-coloured tunics, one-half being of one colour, and the other of another; their lirripipes (tippets), are very short; their caps remarkably little, and wrapped about their heads with interlaced cords; their pouches (at that time ostentatiously worn outside the dress, being highly

government creditors. They were plain evidences of the rudeness of early, and the slavishness of routine in later times.

ornamented, and supposed to be full of money,) laced with gold and silver embroidery; and they wear *short swords*, called 'daggers,' before them, a little below their navels. When mounted, they ride the finest horses, called 'palfreys,' richly caparisoned. Thus equipped, they ride from place to place, in *quest of tournaments*; by which they often dissipate their fortunes, and (not seldom) their reputations."

*Tournaments in France, &c.*—The following brief but comprehensive account of these, we take from the "Feudal Confederation" of M. de Sismondi:—

"Another institution, which belonged even more positively to the epoch at which we are come (the eleventh century,) contributed to increase the distance between the nobles and the plebeians; this was that of the tourneys, or of those public or national games, in which rewards were accorded, in the eyes of all the people, to those who had distinguished themselves by their strength and skill, in the bodily exercises. These French games, as they were generally called, were very similar to the ancient games of Greece, except that among the Greeks, these national exercises were common to all the people; while among the French, on the contrary, they were exclusively reserved to the nobility, who repelled, as a stain, all mixture with the plebeians, even in the open air.

"Several chronicles of the south of France, in recounting, under date of the 4th of April,



1068, the issue of Geoffrey the Bearded, Count of Tours, with his brother Foulques-le-Rechin, Count of Anjou, add that Geoffrey of Preuilly, the inventor of tourneys, and the author of the race of the counts of Vendome, was killed there. In the year 842, there was a similar combat, between Louis the Germanic and Charles the Bald, which strongly resembled a tourney. It is probable that thenceforward the like exercises had not ceased to be encouraged by the national manners; thus, the chivalric games used in the court of every castle, and which formed an essential part of the education of all young warriors, seemed so many preparations for tourneys, according to strict rule. The testimony of contemporaries leaves no doubt, nevertheless, that before the year 1068, Geoffrey of Preuilly had been, as it were, the legislator of these games. This is sufficient to gratify our curiosity for knowing what they were at this epoch.

“The word tourney, sometimes tournament, and in Latin *torneamentum*, clearly indicates both the French origin of those games and the principal end of that exercise, the art of manœuvring, of *turning* [*tournoyer*] his horse skilfully, to strike his adversary and shield himself at the same time from his blows. The combats, especially those of the nobility, were always fought on horseback, with the lance and sharp sword; the knight presented himself, clothed in an armour which covered his whole body, and which, while it preserved him from wounds, bent to every movement, and retarded those of



his war-horse. It was important, therefore, that constant exercise should accustom the knight's limbs to the enormous weight which he must carry, and the horse to the agility which was expected of him. In a *passage* or *pass of arms* [*passage* or *pas d'armes*] the generic name of all those games, this exercise was composed of two parts: the joust, which was a single combat of knight against knight, both clothed in all their arms; and the tourney, which was the image of a general battle, or the encounter and evolutions of two troops of cavalry equal in number.

“When these domestic exercises were drawn from the court of each castle, to be produced in broad day; when a lord, by inviting his neighbours to a tourney, by giving judges to a combat, a great solemnity to the trials of skill and vigour, and public rewards to the conqueror, it became necessary to arrest by severe rules the impetuosity of the combatants; otherwise the enclosure, destined to the national pleasures, would have become a field of carnage. It is probable that the principal rules, invented by Geoffrey of Preuilly, related to the arms to be employed in the tourneys. These arms, which were named arms of courtesy, were formed like ordinary arms, but were not intended to make dangerous wounds. ‘The knights bore no swords, except those of courtesy, which were made of deal or yew, with short irons, without being sharp or pointed.’ Before entering into the enclosed field, they were to present themselves to the *diseurs* or judges of the combat;

these were always knights of great reputation, chosen one by each of the two parties who were about to combat, and decorated with a long white wand, which they always bore as a sign of their authority, and which they had no sooner crossed before the combatants, than the latter, under pain of dishonour, desisted from fighting. These judges were, in the four days which preceded the tourney, to take cognizance of all the knights who wished to combat, to assure themselves of their rank and lineage, so that no plebeian, or any man whose reputation was stained, should mix among the nobles; to assure themselves that they were not bound to their saddles, for the victory consisting in dismounting the adversary, ought not to be made more difficult for one than another. Finally, the *diseurs* were to exact from the knights the oath "that they wore neither swords, armour, nor loaded sticks; nor would thrust their arms nor spiked bludgeons, by these *diseurs*, but combat with swords pointless and edgeless, and would each tourney, with a stick hanging to his saddle, and fight with the aforesaid sticks as long as it pleased the aforesaid *diseurs*, striking downwards, without pulling or tussling.'

"Ordinary combats left scarcely any doubt about who remained conqueror; the wounds and death of the vanquished made sufficient difference between the combatants. But in simulated combats, with arms which inflict no wounds, which disable none from fighting, they always ran the risk of this image of war

degenerating into a simple exercise of grace and skill, and that courage and strength would become as useless as they are now in most of our games. This was not the end proposed by the inventors of tourneys. 'The wrestler who,' says Roger of Hovenden, 'has never had a bruise, cannot carry great courage to the combat. It is he who has seen his blood run, who has felt his teeth chatter under the cuff of his adversary, who, raised in the air, then overthrown, has not allowed his heart to be conquered, when his body was beaten, who as often as he has been borne to the earth, as often rises more boldly; he it is who goes to the combat with the just hope of conquering.'

"Thus, even according to the rules of the combat, the joust and tourney might lead to grave and often fatal consequences, without the blood shed in the lists was avenged by public authority, or by particular resentment. The knights set off at a gallop from the two extremities of the space, lance in rest, each receiving the point of his adversary's lance upon his shield; and if he joined great strength to much skill, the two lances, though hard and strong, were shivered to pieces; the two horses were thrown upon their haunches, and the two combatants immediately raising them, continued their career: but it oftener happened that one of the two was unhorsed, thrown in the dust, sometimes with dangerous wounds. The fall of one of the combatants was the most ordinary issue of the fight, and distinguished the vanquisher from the vanquished; he was consi-

dered vanquished who was forced to break the lists, or weak and low barrier which surrounded the enclosed field; whether pushed by the violence of his adversaries, or led by the impetuosity of his own horse. Finally, when the lances were broken, the combat was continued with these batons or sabres of yew, which, representing swords, succumbed only under blows and bruises, which often put life in danger.

“ Yet the knights often found that this game was not yet sufficiently serious, and for the arms of courtesy of the tourneys they substituted, by reciprocal agreement, the arms of war, under the sole condition that they were not sharpened. Thus, the arena of the tourneys was almost constantly blooded; one sees several degenerate into slaughterous combats, where hatred and vengeance take the place of emulation. Councils and popes several times essayed to interdict them; but superstition itself was forceless when it came to struggle against a national passion. The ladies, in their most brilliant apparel, covered the circular scaffolds which surrounded the place of combat. Wounds and blood, in redoubling their emotion, could not inspire them with sufficient repugnance to make them turn away their eyes. They openly interested themselves in the knights who were dear to them, they animated them by voice and gesture; they often gave them some portion of their dress, a sleeve, a mantle, a knot of riband, which was called a *favours* or *ensign*, and which the knight wore

upon his armour, and lost if he were vanquished; they were habitually consulted at the end of the day, to decree the prize to him who had comported himself most valiantly, and it was always by their hands that this prize was distributed. On no other occasion did the French nation display a luxury equal to that which they showed in the tourneys: the whole revenue of a barony was expended in a single day, in order that the lady of the castle might shine in the amphitheatre with ornaments of gold and silk, so that the knight who wished to fight ran not the risk of having his honour compromised by a defect in his armour, or the weakness of his horse. The superiority of a good steed was felt in the tourney even more than in the battle, and the brilliant shield, covered with blazonry, and sometimes with precious stones, was, previous to the combat, long exposed to the admiration of the curious, at the gate of a convent or castle.

“The tourneys had been an invention purely French, and they contributed to give the French a superior reputation for bravery and chivalry; they accustomed the warriors never, in the fury of combat, to lose sight of the laws of courtesy and loyalty, to measure themselves with their adversaries as if they always had a circle of ladies to judge of their blows, and heralds at arms ready to lower their maces upon them when they sought, by some deceit, an unworthy advantage. The frequency of tourneys in France had not only given to the French knights an advantage in bodily exer-



cises over those of all other nations, it had instituted them arbitrators, as it were, among all the other people, in all questions of chivalry and passages of arms; for these games of the nobility were soon borne from France into the other countries. It seems that Belgium adopted them almost immediately after their first invention, since, in the year 1048, Thierri IV., Count of Holland, killed, in a tourney at Liege, the brother of the Archbishop of Cologne, and was thereby engaged in a war which cost him his life. They passed a little later into Germany. It was only King Stephen who introduced them into England, in the first half of the twelfth century. The Italians adopted them in their turn, and there were in Lombardy several celebrated tourneys in the twelfth century. However, it was particularly in the thirteenth, that Charles of Anjou, who loved them passionately, communicated the taste to the Neapolitans. After the French had carried, with their crusades, their manners and their amusements into the East, one sees also the Greek emperors giving tourneys at Constantinople, and the Comnenes are celebrated by the writers of their country as having themselves shone in these fictitious combats."

We think we cannot better conclude what space we have allowed for the subject of tournaments, than by giving an extract from a little work of merit, entitled "Windsor in the Olden Time." Its author, trying to realise to the mind's eye of his reader the scene of the great festival of the year 1358, thus proceeds:—



“It is the morning of St. George’s Day. The sun is ascending the heavens, and the vernal gales are whispering among the trees of the forest and eddying round the battlements of the Round Tower. The general stir which prevails, indicates that something unusual is about to take place. Knights, with large bands of retainers, are crowding into the town towards the castle gates. Fair matrons and damsels, on their ambling palfreys, richly attired like cavaliers, with daggers suspended from their girdles, are seen in groups passing along the streets; attracting, and here and there returning the glances of the bright-helmed warriors. Throngs of the lower orders, in their best gay clothing, are seen making their way to the place of concourse—sometimes not a little endangered by the prancing steeds of their mounted neighbours. We pass by the Castle gate and its drawbridge, and making our way, as we can, to the Home Park, the Castle’s eastern wall, where the *lists* (or fenced enclosure) for the *tournament* are prepared. Along one side we see a temporary *gallery*, hung with *tapestry*, glittering with the royal arms (three *leopards courant* in the field), and crowned with high-born dames, the beauties of the court.

The majestic lady in the middle, beneath the golden canopy, so splendidly arrayed, on whose dress £500 has been expended,\* is

\* The following item appears in the royal wardrobe accounts for this year:—“A payment to Queen Philippa of £500 (at £3000 present money value) for her apparel at

Queen Philippa, dear to her husband as the heroine of the victory of Nevill's Cross, dearer to *us* for the victory over *him* in persuading him against his will to spare the lives of the devoted Burghers of Calais. Squires, pages and yeomen, in rich liveries, are seen standing or moving, in attendance about this spot, 'the cynosure of neighbouring eyes.' Other elevated seats are prepared, in different parts, where knights and nobles, and other distinguished persons, who take no part in the encounters of the day, are filling up their places. From the turrets of the Castle, the faces of privileged spectators, of a humbler class, are seen looking down with eager curiosity on the spirit-stirring spectacle. The commonalty, in their holiday dresses, are availing themselves of such accommodation as is left them, and add to the gay and animating picture. *Heralds* and *pursuivants* (heralds' assistants; literally *pursuers*, or *messengers-at-arms*,) are running to and fro, the gorgeous *tabards* of the former, the *emblazoned* coats of the latter sparkling in the sun. There, at each end of the lists, are the knights cased in plate armour, each with his favourite device depicted on his shield. The *tilting* is now to begin. Silence is obtained, and the herald reads the *laws of the tournament*. The arena is cleared, and the antagonist knights the approaching feast of St. George at Windsor." "To Wm. Volaunt, king of the heralds, as a royal gift for his good services at said feast, £3. 5s. 8d." "To Hankin Fitz-Lebbin (probably a professional name) and his 23 fellows, the king's minstrels, for their services at the said feast, £16."—*Beltz*.

enter. Yonder tall figure, reining in his steed, both he and it cased in armour, with a *white swan* conspicuous in his shield, is the master of the festival, Edward the King. Near him, clothed in sable armour, is his son and heir apparent,\* Edward the Black Prince, the *mirror of chivalry*. Then, on a horse richly caparisoned, is John of France; and behind are several of his court nobles, prisoners like himself, but allowed, by chivalric courtesy, to enter the lists. Regulating the paces of their horses with knightly dexterity, they move round the arena, and then dividing into two parties, prepare for the conflict. Ranged against each other, front to front, with their long lances upright, whose pennants flutter in the breeze, they await the signal for the encounter. It is given: the *marshals* pronounce the word of onset. The trumpets sound a confirmatory note; and the combatants engage. The shock is tremendous—the fallen knights and shivered lances attest its violence. The shouts of the people, and the sounds of the clarion [perhaps peals from rude *cannon* also] ring around the Castle walls. Other competitors for glory enter the lists, and other conflicts follow. Now, one displays his dexterity and prowess; and now another, by some awkward mishap, or want of skill, is unhorsed, and consequently is considered to be vanquished. The excitement continues: the whole scene is one of life†

\* See note, p. 119, for a proof that this “mirror” was not always *unsoiled*.

† There was also *death* in it, for one or more; the Earl

and feeling. We can hardly tell who takes the deeper interest in the proceedings, the combatants or the spectators.

“Now comes the banquet, which is given in St. George’s Hall, the walls of which are painted, on one side, with quaint scenes, and objects and sentences taken from Scripture, and on the other side, enlivened by the richly stained windows; while the oaken roof and rafters, with sober grandeur, span the apartment. At the upper end is the *dais*, or slightly raised portion of the general floor, with the gilt *chair* placed for the monarch, next the centre of a cross table spread for him and the chief guests. Thence run, at right angles, two lengths of tables, for the greater number of the guests. Rude ornaments, gaily painted, adorn the board, with here and there costly pieces of gold and silver plate; *selliers* or receptacles for salt, now tautologically miscalled “salt cellars,” drinking cups, covered bowls, spice plates, closed vessels (what not) more or less ornamented or chased, with figures of eagles, herons, leopards, or nondescript animals and real and imagined objects.

“The guests enter: the monarch leads the way, and takes his place. Numerous dishes are brought in by the menial train; those attending at the upper table being persons of some rank themselves. The viands—many of which would hardly be tempting to us—are all disposed of, and washed down by draughts, of Salisbury meeting an accident which ended fatally for him.

pottle-deep, of Burgundy, claret, Malvoisie, and other wines, poured from *chargers*, *beakers*, and *flaggons* ; and drunk some in their natural state, others as *hippocras*, (diluted and spiced) ; and the king having drunk the *loving cup* as a pledge to all, the revelry continues with increased animation. Between the ensuing peals of boisterous merriment, the soft tones of the *harp* fall upon the ear, strung by the gaily dressed *minstrel* ; with *romances*, or narrative songs and ballads, of laudatory or chivalric character. Nor are the flute, the pipe, or the tabor wanting, to sweeten the ruder sounds which fill the place. Meanwhile other tables, as plentifully, if not so luxuriantly furnished, having been spread in the inferior halls of the Castle, and under pavilions set up in its courts, other festive scenes have been acting ; and huge provender of meat, and bread, with copious supplies of ale, cider, and mead, have filled the stomachs and excited the spirits of crowds of the humbler wassailers and sharers in the monarch's hospitable bounties.

“ The day closes, but breaks not up the festivities ; the next morning the tournament is renewed ; and the excitements of the tilting are succeeded by the diversions of the chase, in the royal parks, ever kept well stocked with game. The knights, ladies, and dignified ecclesiastics—for they are special lovers of the sport—led on by the king, prince, and queen, may be seen, on their fleet steeds, galloping through the woods, and down the glades, followed by hounds, in pursuit of deer. Edward is a keen



*hawker*; the sport of falconry is intermingled with the chase of quadrupeds, or succeeds to it. And thirty *falconers* may be seen in attendance upon the monarch alone, each with a bird, *hooded, belled, and jessed*, perched upon his fore-finger, ready to let loose upon the indicated *quarry* or prey.

“ For the more sedentary guests, and people of town and country, are provided, by way of interludes, *mysteries, mummeries, maskings*, and pageants; while the commonalty are astounded or amazed with the feats of jugglers, tumblers, rope-dancers, and buffoons; or have their ears ravished with the strains of glee-singers, wandering minstrels, and every variety of pleasure-importing wanderers.”

But, after all, perhaps, the greatest feudal spectacle, accompanied with tournaments, was among the last; namely, that of the “ Field of the Cloth of Gold;” which took place May 31, 1520, at Ardres, near Calais, on occasion of the meeting of Henry VIII, of England, and Francis I., of France \*. Many of the courtiers of the two kings, and their other nobles, as it was quaintly said, “ wore their whole estates—

\* There are some very curious contemporary paintings of the meeting of the two kings, nobles, &c., in Hampton Court gallery, well worthy the attention of those who take an interest in the present subject.

Smithfield, in London, was for ages, the chosen place for tilts, public duels, and executions. In 1408, there were great tiltings in Smithfield, between the Count of Hainault, with other foreign nobles and knights, and an equal number of the English chivalry, led by the Earl of Somerset.



woods, forests, and mills—on their *backs*;" and, certainly, such was the emulation in expense amongst the feudalry of the two countries, upon the great occasion, that "many of them were not able," says Butler, "by the penury of their whole lives, to repair the cost of the vain splendour of a few days."

## XII.—HUNTING.

NEXT to following the trade of war, with its attendant murders, maimings, and rapine, the feudalry delighted in the chase of wild animals. And as a knight was, by his very nature, as it were, a *ritter* [rider], so his regard for the quality of horses, especially in times when all great military operations were carried on with cavalry, was rightly as well as really paramount. Hence the utmost attention was paid to the breed of those animals; at first to get them strong enough to bear iron-clad men, and then to obtain a race at once strong and fleet. During the crusades, the heavy-coated cavaliers, sitting upon their large-boned and caparison-encumbered animals, were at a great disadvantage, when dealing with light-armed Saracens, mounted upon Arabian steeds. This was partly amended afterwards, but never to a sufficient extent; for we find the Spanish chivalry often worsted by inferior numbers, in skirmishes with the Moors of Granada. The regard of the feudalry for their *dogs* was great, though of course not so great as that they had for the larger if not nobler brute. *Hawks* and

*hounds*, besides being employed in times of peace, often accompanied armies during war.— Thus the battle of Otterburn, fought by Earls Percy and Douglas, A.D. 1388, and which is the subject of the ballad of “Chevy Chase,” was preceded by an attack upon the wild animals in the forests of the borders.

The system of *game-laws*, of past and present days, is a bastard slip from the old forest-laws, introduced by the Normans. The New Forest was formed in 1081, by William I., for his sports. To make it a chase, thirty-six parishes were depopulated, and the country turned into a wilderness for thirty miles round. Several *chartæ forestæ* were promulgated by him and succeeding kings. No parliamentary statute for preserving game was passed before that of 1496. In the time of Charles I. (1625-48), no sportsman (bird-butcher) shot flying; it was reckoned unfair. What is now called poaching was then the furtive sport of “gentlemen.” Would it had always remained so!

As hunting required weapons, and the chase inured men to dangers, and inferred exercises similar to those of war, the ruling class were politic as well as selfish enough to confine such recreations to themselves. Game parks were indispensable adjuncts to every manorial domain; and when these were extensive, they took the appropriate name of a *chase*.

*Hawking*, or *falconry*, was almost peculiar to the feudal ages. The grand falconer of the English feudal kings was an important officer. The title and functions became hereditary, and

they still form a plausible pretext for making British tax-payers do something for the *poor* Dukes of St. Albans.

### XIII.—FEUDAL MINSTRELSY.

IN barbarous and semi-civilised ages, those persons who have much leisure and few mental resources, are glad to be diverted by those who are of a lively or inventive temperament.—Hence arose the profession of public storytellers, ballad-singers, &c., during the middle ages. Our English word “minstrel” is but another form of the old French word *menes-trier*; and that, again, is synonymous with the German *minnesinger*—all three meaning primarily “love-singers.” There were also, in France, *trouveres*, *troubadours*, or “inventors,” signifying narrators of short fictitious relations; *gestours*, nearly an equivalent term, has been since corrupted, doubly, in sound and sense both, into our English word *jesters*. Synonymous with *gestour* was the other French word *fabulator*. And the French, too, had their *jongleurs*; a term which might be significantly translated by the similar English sound *jinglers* (of words) or rhymers; whereas its sense has been misunderstood, and applied to conjurors, or *jugglers*; and the reason of those declensions in verbal signification was, that as in every palace and great mansion there was an official *gestour* or *jongleur*, when men and manners altered, the first became a *joculator* or buffoon, and the other a professor of sleight of hand.

The only respectable office of the minstrel kind which has survived to our day is the *poet laureate*, or laurel-crowned versifier to the court of England. "We hear of one being in that office as early as A.D. 1251."—*Dr. Trusler*.

According to Dr. Trusler, "minstrels in our country were originally pipers or harpers, hired by lords of manors to divert their copyholders while at work for them. They were similar to the *gleemen* of the Saxons." Under the Plantagenets, when French fashions (and French literature, such as it then was) prevailed among the great, minstrelsy was in high vogue, and its best professors held in much esteem. John of Gaunt held a festival of minstrelsy in 1380, at which time minstrels or troubadours formed a confraternity in most countries of Europe. In 1323, yearly contentions for prizes of skill in song, &c., were instituted at Toulouse, to be ever holden on May-day; and as the victors were crowned with flowers, the Roman term *floralia* was applied to them.

Previously, the *minnesingers* of Germany were a still more important confraternity; as most of them were landless knights, or persons of at least genteel extraction, who attached themselves to the different courts. They were much favoured by the Emperor Frederick, about 1212, by Leopold IV., Archduke of Austria, and Wenceslaus III., King of Bohemia, about 1280. Henry of Waldeck, who lived in 1180, was the most celebrated of the more ancient minnesingers; and during the

next century the "joyous brotherhood" flourished greatly in Germany. Conrad of Wurtzburg and Hans Hadlaub are its two greatest names, of a later age, that have come down to us.

M. Sismondi considers that the minstrelsy of Europe drew its first inspirations from the East, and that it was founded on Arabic or Saracenic bases. "The Arabs were placed," says he, "whether in Sicily, in Catalonia, or Castile, in a relation to the Christians, which must have rendered them much more proper than the Germans to become their masters in the fine arts. In spite of the religious hatred which separated the two people, the Christians could not but acknowledge that the Mussulmen had over them the advantage of civilization. The feudal lords furnished their castles, the ladies prepared for the festivals, the knights armed for combat, with the products of the manufactures of Spain, Africa, and Syria.—The Christian, despite his horror of Islamism, borrowed his fashions from the Mussulmen.

"In Spain, the Christians might be esteemed fitter for the combat, but the Mussulmen were always preferred to fill the offices of taste, of elegance, or of intelligence. The bravest warriors were surrounded by Saracens in the interior of their houses; the most ancient Chronicle of the Cid, Ruy Dias de Bivar, was written in Arabic, shortly after his death, by two of his pages, who were Mussulmen. Music was the passion of the Moors; by it they had an immense advantage over the Christians,



when, admitted into a castle, among the knights' servants, they sought to charm the leisure of the high-born dames who lived familiarly with their pages and their squires. The Moors mixed with the Christians, sometimes as servants, or even as slaves ; sometimes as confidants or as guests, teaching the pages and young knights the use of their musical instruments, and their harmonious songs. They also, undoubtedly, translated their songs, which were well made to please in those castles, changed into schools of courtesy, where the young pages and damsels, formed under the eyes of the lord and lady, were almost always occupied in gallantry. In fact, love was the subject of nearly all the songs of the Moors ; but it was an ardent, impassioned love, which transformed woman into a divinity, and ravishingly celebrated her beauty, or the happiness which she granted. The Moorish poets, according to the genius of the Arabic, heaped up metaphors and figures, the boldest in the language, and sought a brilliance, often false, in antitheses and witticisms. They were, however, pleasing to our ancestors, whose imagination was more ardent than their taste was chaste. These songs were, doubtless, translated into Castilian, Sicilian, and Provençal, to be sung to the same airs, and accompanied upon the instruments upon which the skill of the Moors was indisputable. Thus passed the division of verse and rhyme from Arabic to Provençal : one knows not where to find the monuments of these amusements, else-



where than in the ancient romances. However, a contemporary historian speaks to us of Christian and Saracen matrons, who sang in chorus, responding in the two languages, whilst their followers accompanied them upon the tambourine.

“ The Provençal poetry, as far as we can judge, was what it should have been from such an origin ; we find in the verses of the troubadours much love, enough research and wit, exaggeration, sometimes sensibility, but very little invention, and nearly no indication of study or cultivation of the mind, other than that which a young page could acquire between the tourney, where he followed his master, and the saloon of the castle, where he sought to entertain his mistress.

“ The poets who invented the new rules of the Provençal versification, who gave flexibility and grace to the language, and who, deprived of the resources of printing, nearly of those of writing, in a time when so few men learned to read, procured, however, publicity for their compositions, by carrying them themselves from castle to castle, and singing them in the joyous assemblies of ladies and knights, were named in Provençal *trobador*, (*trouveur*, *trovère*,) finders or inventors. As their talent demanded only the knowledge of their mother tongue, a delicate and exercised ear, which the Provençaux were born with, an imagination and a heart for feeling those amorous and warlike passions, which they were pleased to express ; men who occupied the first ranks in society, sovereign

princes, knights, and great ladies, took rank among the Troubadours. The Count of Poitiers, the most ancient of those who are known to us, appears to have been already exercised in the three kinds of composition to which the Provençal muse for a long time confined itself, songs, tenzons, dialogues or disputes in alternate strophes between two interlocutors, and sirventes, which nearly approached satire. These same songs were afterwards repeated by the jongleurs and minstrels who travelled from castle to castle to divert those little courts by some turns of sleight of hand, or by instrumental music, the jongleurs, who lived by the songs of others, soon learned to make them themselves; it therefore became difficult to distinguish the noble profession of the poet from the trade of the parasite singer, who repeated the verses of those of others, especially where he could hope for festivity and presents, and who was often exposed, to excite laughter, to the gross games and offensive pleasantry of those whose generosity he solicited. In several poems of the last troubadours may be seen how much their trade was degraded by becoming venal. The jongleurs who exercised it as a means of fortune, were often sprung from the lowest classes of society; but it was not in the towns that they formed themselves for poetry. The burgesses, in spite of their always increasing riches, seemed still to disdain the fine arts. Whilst they thought to raise themselves by patience, labour, and industry, they were disposed to regard as vagabonds those poets who

associated with buffoons, in order to pass their life, without working, in festivity and pleasure.

The birth of the Provençal poetry came in its turn to exercise an influence over the great event which terminated the eleventh century. Gallantry, which had been the soul of that poetry, did not exclude devotion ; and when the latter changed into fanaticism, when it drew nearly all the warriors of the West to the conquest of the Holy Land, the troubadours sounded the trumpet of war, and contributed, as much as the preachers of the crusade, to render the enthusiasm universal.

“ Those scholars who assembled by thousands in the towns, early in the twelfth century, to study the Latin language, the dialects of the Greeks, the theology of the Hebrews, and the metaphysical subtleties of the Arabs, had in general no relation with another class of disciples who at the same time studied and professed the *gay science* of the romance poetry. One knows not to decide whether the amorous verses which Peter Abelard had written, and which were found, he says, in every one's mouth, were in Latin or in Romance. We well know that the other gallant poems of the century, and their number was immense, were written in Romance Walloon or in Provençal ; but Heloise read and wrote Latin as purely as her master, and the men brought up in the Schools had begun to testify for their maternal language that contempt which long retarded its cultivation.

“ In spite of this disdain in pedants, amorous

poetry multiplied in the provinces to the south of the Loire. The troubadours were invited to sing at all the courts; they travelled from castle to castle, they directed all thoughts towards love, or towards pleasure; and they fixed among the noble ladies and knights that worship of voluptuousness, that relaxation of morals, that sacrifice of domestic duties and conjugal fidelity, which the more severe habits of the towns, occupation, love of liberty, and the sentiment of duty would, without them, have soon banished from all France.

“The most licentious of the poets of this licentious school, was a sovereign, a Jerusalem knight, returned from the crusade; this was William IX., count of Poitiers and duke of Aquitaine. His extreme gaiety and wit had, in general, pardoned the scandal of his manners, though religious profanation was always found mixed with debauchery. He had built at Niort a house intended to assemble his mistresses; he called it his convent, and he had distributed to the courtezans, whom he lodged there, the titles of abbess, prioress, and the other ecclesiastical dignities, in proportion to the impudence of their conduct.”—*H. Sismondi*.

“Early in the fourteenth century two *jongleurs* (verse-jinglers or minstrels) named Jacques Grures and Hugh-le-Lorrain, were rich or influential enough to found, in the city of Paris, the minstrel-house or hospital of St. Julien-les-Menetriers, and a dependent church, or large chapel, which was standing as late as A. D. 1790-1. The numbers of the ‘joyous

brotherhood' of French minstrels, who lodged in the house, and there received wandering members from the provinces, paid a yearly tax for the support of their chaplain and the maintenance of religious service in the chapel, which was first opened in 1335. The French minstrels, *jongleurs*, men and women, formed a corporation at that time, only they had the privilege of attending at feasts, banquets, marriages, &c., and if any provincial minstrels attempted to exercise their narrative or musical talents in the capital, they were liable to be fined, and banished. They were governed by a king, and the provost of St. Julien."—*Dulaure*.

"There was no public entertainment in Paris, up to the close of Philip-Augustus' reign (A. D. 1226), if we except such as was furnished by wandering minstrels, jinglers, dancers, &c. The former sang verses and recited stories of their own or made by others. That king did not like to hear either their rhymes or their tales. He blamed such lords as received them and gave them presents of expensive cast garments. His own worn clothes he gave to the poor ; saying that those who gave them to minstrels, sacrificed to the devil."

"We see often assemble in the courts of the houses of great or rich people, bands of minstrels, jinglers, &c., and exercise all their talents and use all their skill in singing and story-telling, to get from the auditors money, dresses, or trinkets, singing melancholy or lamentable songs, telling funny anecdotes, hardy adven-



tures, but above all, they cry up to the skies the more opulent listeners.

“We have sometimes known a rich man procure for himself, with great cost and pains, a festal robe, the price of which would have maintained twenty or thirty poor people for a year, yet would he give it away to a minstrel after having worn it himself perhaps not half-a-dozen times.”—*Chronicles of France*.

In process of time, as civilization progressed, mental employment succeeded to dissipation of time among the higher classes; minstrelsy was banished, except on extraordinary occasions, from the palaces and halls of the great. Like the other cast-off noble recreations, it lingered for a time among the commonalty. Thus Scott’s “Last Minstrel” whiningly tells how he was fain, at last,

“To tune, to please a peasant’s ear.  
The harp a king had loved to hear.”

Latterly, the minstrels, troubadours, &c. added less laudable employment to their own ostensible calling; such as playing the go-between in intrigues, pimping for the lords and their ladies, &c., and doing much to corrupt the minds and bodies of the young nobles and gentry of both sexes. Perhaps they preserved their credit longest in England; for it is said, that “so late as the reign of Henry VIII. they intruded without ceremony into all companies, even at the houses of the nobility. In Elizabeth’s reign, however, they had sunk into contempt.”—*Haydn*.



## XIV.—INTRODUCTION OF GUNPOWDER.

The use of gunpowder, in field war, dates from the reign of Edward III. The English army in France is said to have had a few cannon at the battle of Crecy, August 25, 1346; and some French authors say that they contributed to the result of the day. Previously, they had been used in besieging feudal castles; \* in fact, for some years, that purpose was the only one gunpowder was thought suited for. The origin of its discovery in Europe is uncertain; but an explosive composition, similar to gunpowder, is described in an extant treatise, “*De Nulitate Magiæ*,” by Roger Bacon, dated “from Oxford, A.D. 1216.” The Chinese seem to have

\* Great guns were employed by the forces of Philip VI. King of France, in besieging the *chateaux* of some of the refractory French feudatories. This is proved by some accounts of his treasurer, Bartholomew de Drach, for the year 1338.—*Art de Verifier les Dates*.

The first cannons used in France were called *pierriers*, or “stone-throwers,” because the balls first in use for cannon were of round stone. In the year 1419, Henry V., King of England, gave a commission to John Louth, clerk of the royal ordnance, and John Bennet, mason, Maidstone, to press a sufficient number of workmen to make seven thousand cannon shot, out of stone cut in quarries in the heath of that name. When iron was first used for making the balls fired from great guns is doubtful; yet it is said that “red hot shot were used at the siege of Cherbourg, A.D. 1418.”—*Wade*. We think this unlikely, if *iron* balls are meant. Brass cannon were first cast in 1535; in iron, not till 1547. Previously iron cannon were made of bars, closely girt with hoops like a cask. Some field-pieces were made of jack leather. A few cannon of this kind were used by the Scotch covenanters in the 17th century.

known and used it, ages before that time.\* Its invention in the West is usually ascribed to Berthold Schwartz, *alias* Constantine Angleksen, a Franciscan friar, native of Brunswick, who, in 1320, while making some chemical experiments, formed the new composition, and tested and published its nature and powers. Yet its adoption in war, the whole system of which it ultimately changed, was wonderfully slow. Feudality, as if it knew by instinct that it was its natural antagonist, shrank from its use. The popes, who had denounced the cross-bow as a too murderous weapon, looked frowningly upon the employment of the black dust, which was considered an invention of the devil, for the extermination of the race of man. But these were all vain fears; in proportion as gunpowder was employed in war, civilization advanced. The greatest obstructors of the progress of society were the feudalry; and their power depended upon the peculiar means of attack and resistance they almost exclusively enjoyed through their steel armour and stone walls. When it was found that no coat-of-mail could keep out even a small bullet, or wall long withstand the force of a cannon ball, *the knell of feudalry was rung*. And so far were battles from getting more murderous, that they became less so, when contests came to be determined

\* Great doubts have lately arisen, on plausible grounds, about the Chinese having had gunpowder, the mariner's compass, &c., in early ages. There is some probability that they learned to make the former from the Venetian navigators.

by distant firing, and by extensive strategic movements of large masses of men. When combatants fall to handgrips, the wild beast passions of the human animal are called into horrible exercise ; but it is seldom that a battalion stands the shock of the bayonet from an opposing battalion : the weaker of the two generally at once gives way. In times anterior to those wherein fire-arms have come into play, it was all cut and thrust, hack, stab, and rend. During the middle ages, there were combats *à l'outrance*, where thousands of men were frequently reduced to tens, without any considerable advantage being gained on either side. The English nation, in the wars of the fourteenth and fifteenth centuries, needed less than most other European people, to resort to gunpowder to give a superiority to their armies, for its archery was then perfect ; and the bowmen often were the means of gaining a victory before the other forces could close.\* Yet for ages we find the French and the Scots trusting

\* “ The captain of the archers in London retained the title of ‘ Duke of Shoreditch,’ for a number of years, first given by Henry VIII. to one Barlo, who lived in Shoreditch, and acquired much honour at a shooting match at Windsor ; and this Duke, September 17, 1583, collected more than seven thousand archers in Smithfield, at a trial of skill. The long-bow would carry two hundred and ten yards. It is singular that all the English statutes for the encouragement of archery were passed after the invention of gunpowder and the use of fire-arms began. By the act 22 Edward IV. c. 10, every tradesman bowyer was obliged to have fifty bows in stock, made of wych, hazel, elm, or ash.”—*Dr Truster*. But the general notion is, that bows were usually best made of yew-tree wood.

almost entirely to the lance. Not till near the end of the sixteenth century, did either of these people make much use of hand-guns.

We have gone into these particulars, to justify the use of the phrase above, the BLESSED INVENTION OF GUNPOWDER, which we employed advisedly, because it gave a brain-blow to feudalism, and actually made war less murderous, as above intimated.

## PART II.

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### FEUDALISM IN ENGLAND.

SOME BRIEF INTRODUCTORY HISTORICAL NOTICES.—  
SAXON TENURES,

FEW readers of British history need to be reminded, that when the Roman legionaries and cohorts finally left these islands, between the years A.D. 420-426, the Southern Britons, whom they had emasculated rather than civilised, became for the time a helpless prey of the neighbouring barbarians, who, variously known as Caledonians, Picts, or Scots, descended upon them from the north, in devastation and ever-renewed *raids*. In that state of desperation which sometimes blinds whole peoples, as well as individuals, to all perception of remote danger when any means of escape can be had from present ills, the harassed Britons, having several times applied in vain to their late masters for help, asked for and found it in a region where the latter had held little or no sway; namely, in the rude territories and rocky sea-

board region of Northern Germany and south-western Scandinavia ; the coasts of which were then inhabited by a hardy and enterprising race of men, of piratical habits, all enthusiastic votaries of a wild paganism, which made them at once covetous of coarse sensual enjoyments, yet reckless of their own life. Such were the early sea-roving Northmen, variously named Angles, Jutes, &c., but better known to us historically as *Saxons*. About the year 449, the first band of those dangerous allies of the South Britons arrived in the Isle of Thanet ; and soon being reinforced, set about driving back the intruding Caledonians. This effected, before the exultation of the hapless Britons had time to expend itself, the Saxons showed plain signs of making a settlement in the regions they had been invited to protect ; and which, they soon found, were far superior in natural wealth to those they had come out of. Being formally requested to retire with the rewards and presents which had been given them for their services, they flatly refused. A contest ensued between them and the British, in which the latter were soon signally defeated. This was immediately followed by active measures of violent dispossession of the British race from the southern and central regions of the island, in effecting which the people seem to have been mostly exterminated, or thrust northwards, among the Caledonians, or driven, westward, into the country then known as *Cambria*, but which by the Saxons was called *Wales*. And not a few are said to have passed from Cornwall



into the opposite continental territory, afterwards called from them *Brittany*. A.D. 455, one of the two early brother chiefs, Hengist and Horsa, dying, and the former, his survivor, having mastered the south-western portion of what was afterwards called "Angle-lond" and England, took the name of King of Kent.—And in less than a century from the time of the first Saxon visitation, the English territory was divided into seven distinct chiefdoms, known in English annals as the *HEPTARCHY*; but which collectively were better named *Octarchy*; seeing that usually one of its seven (so-called) "kings" enjoyed or asserted predominance over the rest.

Doubtless the soil of England was during this time constantly being parcelled out by the chiefs of the invading Saxons among their followers; but ages would elapse before they were held by any regular tenure. Dr. Stuart\* believed, that "the different appearances exhibited in the feudal progress, and those ceremonies and incidents which constantly attended them, were known and unfolded in the Saxon period;" but he adduces no proof of the fact. *Fiefs*, properly so called, they had not; holdings were seldom or never *perpetual*; and a great share of the territory was possessed, to the last, by an allodial or free title. Blackstone insists that feudalism was regularly developed under the Saxon institutions; and asserts that William I. only made its laws and rules more

\* "Hist. Diss. Ant. Eng. Const," by G. Stuart, LL.D.

stringent: but while properly combating the opinions of the English legists who previously asserted, that feudalism absolutely *began* in England after the Conquest, he probably has gone too far in defining the extent to which it had previously existed.\*

There being seldom an undisputed central power among the Saxon princedoms, and no federative union, petty kings were always warring against each other; this, of course, exposed them all individually to the attacks of their common enemy, the Danes. These were men of a similar race and country to their own; they also possessed the roving habits and aggressive character of the Saxon's ancestors. But the aim of the first intruding Danes, who found the Anglo-Saxons too firmly seated to be easily dispossessed, was rather to secure plunder than to colonise, and they harassed rather than tried to conquer in the first expeditions under their *Vikingr*, or "sea-kings."

The sway of the Saxon chiefs as Heptarchs is understood to have terminated A.D. 828, about which time Egbert, King of Wessex, was allowed, or enforced, sole domination over most of South Britain, calling himself "King of England." During nearly two succeeding centuries, the subjects of Egbert and his successors were continually harassed by incursions of the North-men, called, as we have seen, in English history, "Danes," though people from several regions upon and next the Baltic, and Upper

\* "Bl. Com.," abr. by Warren.

Germany. A.D. 1017, Edward II. being defeated by the Danes, and murdered afterwards by a Saxon noble, Canute became the first *Danish* King of England. Harold and Hardicanute, sons of Canute, were the next and last Anglo-Danish monarchs; the latter dying in the year 1041, when the royal sway reverted to the Saxon king, Edward the Confessor; who dying, January 5, 1066, Harold, son of Godwin, Earl of Kent, usurped the crown, to which he had no claim by hereditary descent, and to which he had, besides, renounced all pretension by anterior engagements. Then followed the invasion of England by William, Duke of Normandy, and the change of dynasty, and introduction or extension of feudal law, known as the "Norman Conquest."

The feudalism which existed in Saxon days seems to have been of nearly as loose a texture as that which still afflicts the provinces of Turkey, under the provincial deputies of the Sultan. There was nothing strictly hereditary, not even the succession to the crown. There was, indeed, a *governing class* of persons, called *freemen*, who used the land under *thanes* or *lords*, and made use of the services, and disposed, almost at will, of the lives of the bondsmen, called *bordars*, *cottars*, and *churls*. The lords of the Danish monarchy, who had come from the north as military leaders, became, as territorial chiefs, *heretochs*. Upon the whole, the Anglo-Saxon polity, ever-changing as it was, has been much over-rated by early English liberty-seeking theorists. The mass of the

people were abject slaves; and they or their progenitors had become so through the internecine wars between the seven anarchies called the heptarchy; for it does not appear that any considerable numbers of the Roman Britons had survived to become slaves, and the earliest colonising Saxons were, at first, all certainly freemen.

“In England,” says M. Guizot, “among the Saxons, the barbarian manners subsisted almost entire. The kingdoms of the heptarchy were no more than the domains of different bands, having each its chief. Military election was more clearly displayed there than anywhere else. And the Anglo-Saxon *royalty* was the most faithful type of the barbarian.”\*

#### THE NORMANS, THEIR ORIGIN, &c.

Towards the close of the eighth century, the piratical races of Scandinavia, called *Danes* in England, and *Northmans* or Normands in France, began their systematic incursions into Gaul, penetrating the interior by following the course of the Loire, the Seine, the Scheldt, the Rhine, &c. Their inroads were constant, the devastations they made dreadful, during most of the ninth century, especially in France. Sometimes their forbearance was craved and dearly paid for; but they returned again and again.† At length they were allowed to settle,

\* “History of Civilisation in Europe.”

† In the breviaries of the time there were inserted in the

by King Charles the Simple, in the province of Neustria, since known, through them, as *Normandy*. Roul, Raoul, or Rollo (Ralph), a potent leader, became its first duke, and was recognised as an independent prince by the above-named French king towards the close of the ninth century. Assuming all the power of a feudal king, he declared himself lord paramount of all the territory wrested from, or ceded by, Charles or preceding French kings; and as all the newly acquired lands were held by the minor chiefs from him *in capite*, and were parcelled out by their lieutenants, in turn, to subordinate captains, as tenants, a sense of mutual interest taught all parties the importance of clinging together in feudal bonds, as the most effectual means of keeping out other piratical intruders. By the time of our William, Normandy had become, like France itself, the most perfect feudal realm in Europe; and all that he had to do when he came to possess England, was to transfer to it the Norman government, with himself at its head, as hereditary king; he still retaining his dukedom as its chief dependency.

The Norman polity, thus introduced by William the Conqueror, one of the greatest men of his age, has been described, by ill-informed enthusiasts of *Saxonism*, as a system of tyranny, superseding a previous state of comparative freedom. Doubtless the governing

Litany special passages imploring the help of God for protection against the fury of the Normans; "A furore Normannorum libera nos, Domine."—*Sismondi*.



class of the Saxons suffered by the change; but the condition of the majority of the people was either made a little better, or, at least, no worse. "The Normans, to whom wars and foreign expeditions had communicated the improvements of Europe, brought into this island the perpetuity of the feud; and all allodial tenures were converted into fiefs; but to the invasion of William, on which so many historians have displayed their prejudices, and so few their candour, are we indebted for our first advances to art and civility."\* The Normans are accused, for instance, by reputed standard historians, and the numerous herd of their copyists, of having imposed the *couvre feu*, or curfew, as a mark of subjection, and a sign of humiliation, upon the English people; whereas it had existed on the Continent long before, and even in Scotland, as a measure of police in towns: the houses at that time, and especially those of the Saxons, being built solely of wood, conflagrations and fires, therefore, being frequent and ruinously destructive, precautions were taken against them, by forbidding fires to be kept a-light in the night time.†

Shortly after the Conquest, William divided all the lands of his kingdom, with very few

\* Doctor Gilbert Stuart, *ubi supra*.

† This was the *original* reason; but the curfew was afterwards found useful as a check upon nocturnal disorders and meetings of conspirators in the streets of the towns by night. The law of *couvre feu* was often enforced in France with these views, during the middle ages.—DULAURE'S "Hist. Paris," &c.



exceptions besides the royal demesnes, into *baronies*, or large estates, held from him by some hundreds of head tenants; and these were sub-divided into 60,215 knights' fees (fiefs); the whole comprising a first, second, and third class of military landholders or feudalry. None of the natives were admitted into the first rank; and, so far, partiality, for politic reasons, was shown to those chiefs who had helped William to win the kingdom. Such *allodial* land as remained unconfiscated, was not immediately intermeddled with; but its native possessors soon were glad, in order to obtain and secure feudal protection, to divide it into fiefs; without which device, they found, no permanent security was to be had.

In 1070, William persuaded, or compelled, those of the English *bishops* and *abbots* who possessed lands, to hold them, the same as those of the lay lords, by feudal tenure; *i. e.*, as barons' fiefs or knights' fees: so that even church possessions were subjected to the exigencies of military service; and the prelates, &c. had to find military substitutes to join the royal host, or feudal army, of the kingdom.

The Anglo-Norman prelates (which term included mitred abbots, &c., as well as bishops,) were, by William's laws, obliged to pass through a secular as well as religious induction. They received, from the hands of the king, a ring and crozier, as symbols of their pastoral office—this was called their *investiture*; then they did homage to him as their feudal suzerain. The struggle about "investitures," between the

secular potentates of Europe and the hierarchy, headed by its pontiffs, form the subject of many a page in the history of the realms and church of Christendom during the middle ages.\*

We shall not trace further the events of William's reign; because they can be readily learned from the pages of ordinary English history; but as his acts in his ducal territories are less known, we subjoin, for the information of our readers, the following notices of them, and an account of his death, from the admirable French "Feudal Confederation," by M. Sismonde de Sismondi:—

"In spite of his royal dignity, the Duke of the Normans, become King of England, did not regard himself as the equal of the King of France, and, nevertheless, he was infinitely superior, both in power and wealth. William despised Philip of France: he had no reason to fear him, and he was determined not to obey him; however, he did not forget the homage he had rendered him, and he avoided, nearly to the end of his life, sustaining against him a declared war, in which it seems that he would have been sure of success. He occupied himself rather in bringing back to obedience those of his French vassals who would not acknowledge their feudal duties; he made war for several years on Hubert, Viscount of Mans,

\* In 1077, the first criminal trial of a noble by his peers (*per pares*) took place at Winchester.

In 1079, sheriffs of counties were first appointed by William I. The office seems to have been hereditary, for we read of noble ladies, in some instances, filling the office.—*Dr. Trusler.*

who, in 1083, was shut up in the castle of St. Suzanne, and who, by his bravery, at last obtained an honourable peace. He also wished to force Alain Fergent, who, in 1084, had succeeded his father, Hoel, in the Duchy of Brittany, to do him homage for that great fief, founding his right to it upon the first investiture of the tenure of Brittany, given to Rollo, by Charles the Simple. But the Bretons had never wished to acknowledge that concession made to their enemy, by a king who had no authority over them. Alain Fergent surprised William's quarters, who was besieging Dol, and he put his army to the rout. After this advantage he treated for more advantageous conditions with the King of England; he espoused his daughter, Constance, in 1086, and he accepted the alliance of the English.

“However, the brigandages of Mantes at last provoked William to a war against his direct lord. The little province of Vexin had been alternately possessed by the Normans and the French; the latter were masters of it, since Henry, who had given it to Duke Robert, had taken it from his son in his infancy; two gentlemen of Vexin, Hugues of Stavelo, and Raoul de Malvoisin, had profited by the anarchy then universal in the states of France, to make the whole of that province a resort for brigands.—They had accustomed the inhabitants of Mantes to arms, and at their head they passed the Eure, to extend their ravages throughout the diocese of Evreux. Each day the inhabitants of the frontiers carried a complaint to

William of new outrages. Irritated by these robberies, they asked Philip not only to repress the depredations of the inhabitants of Mantes, but even to restore him Vexin, to the half of which he at least pretended to have rights.—Philip did not confine himself to refusing to satisfy them,—he permitted some pleasantries, for which he might have been called upon to pay dearly. William was no less a great eater than he; and was, like himself, very corpulent. Philip, learning that sickness confined him to his bed, asked if he were not lying in. ‘*Let him expect the tapers which I shall present to St. Geneviève for my churching,*’ cried William.—In fact, in the last week of July, he entered Mantes by surprise, and delivered that town to pillage and to flames. But to accomplish his vengeance he had braved the fatigue of a young man, and he was sixty years old; his health succumbed to the over excitement. Feeling himself ill, he had himself carried back to Rouen, then to the convent of St. Jervais, near that town, where he thought to enjoy more tranquillity. During the six weeks that he yet lived, he preserved all the force of his character, and the vigour of his mind. He testified remorse for the blood which he had shed, and the tyranny which he had exercised over England; he refused even to dispose, by will, of his crown, so as not to aggravate the sin which he committed in usurping it. Yet, as he intended it for William Rufus, his second son, he sent that prince in all haste to London, in order to secure the prelates and grandees. He did not

wish to remove from Robert, his eldest son, who was always exiled, Normandy, which he regarded as his hereditary right ; he expressed, however, the little esteem which he had for his character and talents. He left to his third son, Henry, only a sum of money for an appanage. He opened the prisons where he retained his enemies, exacting only from them that they should engage themselves by oath not to trouble the succession of his sons ; but he for a long time refused to set at liberty his brother Eudes, Bishop of Bayeux, whom he had arrested three years previously, at the moment when he intrigued to succeed Gregory VII. in his sovereign pontificate."

" ' Nothing,' said he, ' can ever correct the longings of this Bishop for blood, for women, and for plots,' and the advantage of his subjects exacted that he should be retained in prison.— In his last moments he gave the orders for setting him at liberty ; then he died, on the 9th of September, 1087, at the rising of the sun, recommending himself to the Holy Virgin.

" At that instant may be recognised what is the sad condition of a country where all depends on the head of a single man, and where his subjects remain without guarantee at the moment when his death takes away his power. During his illness, William had been surrounded by a great number of lords and servants, who awaited his last orders in profound silence. He had kept such perfect presence of mind that they had not been able to foresee it. However, when they had assured themselves



that he had breathed his last sigh, the lords, dreading some trouble in this moment of anarchy, instantly mounted their horses, and retired with their wives and children, each into his castle, which he caused to be doubly guarded. The domestics and men of an inferior order alone remained with the body of their master, thinking, in their turn, of putting themselves in safety by flight; but previously they paid themselves for their services with their own hands; the palace was entirely pillaged; the very bed where William laid tempted their cupidity: they deposited the body naked upon the ground, in order to divide his bedding and clothes. They afterwards escaped, and the house where they had left it remained for two hours completely deserted. The alarm was soon taken by the inhabitants of Rouen. In the immediate expectation of a pillage, they occupied themselves with putting in safety their more precious effects, and they transported them with all haste, either into the churches or into the secret places of their houses.

“The monks, first regaining their senses, at last ranged themselves in procession, with crosses and censers, and betook themselves to the convent of St. Jervais, where William had died, to take his body, which was to be buried at Caen, in the basilica of St. Stephen, which he had founded: but when they found it completely stripped, they showed little eagerness to supply all which was wanted for the funeral.—A poor knight of Champagne furnished a boat at his own expense to transport it over the



Seine, and he clothed it in the most simple habit of mourning. At Caen the funeral pomp was prepared with more order ; many prelates and a crowd of people accompanied the body ; but a fire which broke out at the same moment, troubled the convoy, which each eagerly abandoned to run to the fire. At last it was deposited in the trench, and before they covered it with earth, Gislebert, Bishop of Evreux, pronounced his panegyric ; when a Norman, named Ascelin, son of Arthur, raised himself from the crowd, and cried in a loud voice : ‘ This man, whose eulogy you have pronounced, you are about to inter in a land which belongs to me. Here even was my paternal house, and he seized it from my father, against all justice, without ever paying him, to build a church. I interdict you, in the name of God, from covering the body of the ravisher with earth which belongs to me.’ This protest struck the lords and bishops who heard it with compunction ; they promised that they would afterwards compensate him for the loss of his heritage, and they kept their word ; for the fact of which he had reminded them was of public notoriety.”

William I. was the seventh Duke of Normandy, beginning with Rollo, the first. At the funeral of the latter, one hundred captives were slain, to *grace* his obsequies !

#### REIGNS OF WILLIAM II. AND HENRY I.

WILLIAM I., though, as has been related above, it was some time before sufficient earth could

be obtained to cover his corpse, was, before his death, probably the richest as well as the greatest man in the world. He held in England, as crown lands, one thousand four hundred and twenty-two manors, and many farms, &c. besides; his fixed annual income, exclusive of fines, escheats, relief, &c., was computed at 400,000 silver pounds weight; or £1,200,000: a sum which will appear incredible to many, when we consider what amount of money's-worth it could then purchase.\*

He was succeeded by his son William II., surnamed "Rufus," or the "Red-haired." Without his father's talent, he was as stern a tyrant to the people; over whom he and the nobles rode rough-shod as if they had been of no more account than the wild animals he and they were so passionately fond of hunting: as a kind of retribution he was killed in the New Forest, to form which his father had destroyed thirty-six parishes, with their churches, and depopulated the country for thirty miles round. On the 2nd of August, 1100, the king, having been invited by his bow-bearer, Sir Walter Tyrell, to try some new kind of arrows which were said to be very good, the king, while looking out for a quarry to prove one of them, was accidentally shot by Tyrell. "The latter, struck with terror, fled towards a sea-port, gained France, and shut himself up in one of his castles, out of the power of the Normans and the English; from thence he afterwards

\* WADE, "Brit. Chron."

passed to the Holy Land, where he died ; whilst William, abandoned on the spot where he had fallen, by the greater part of the grantees of his retinue, who fled hastily towards their castles, *to put them in a state of defence*, was picked up by some one of his poorest servants, placed across a horse, like a boar killed in the chase, and transported to Winchester, where he was interred, in the forty-fourth year of his age, after a reign of twelve years, ten months, and twenty days.”\*

The next heir was Robert, surnamed “ Court-hose,” the Conqueror’s second son ; but his brother Henry, the third son, taking advantage of Robert’s being in the Holy Land, seized the royal treasure, and through its means, doubtless, persuaded a majority of the barons to let him become king.

Fearing that his treachery to his brother would bring on a civil war, he took some steps of a popular character ; such as permitting some of the householders to use fire and candle by night. He also confirmed the “ laws of Edward the Confessor.” He likewise courted the clergy, for reasons similarly selfish. No doubt these measures helped afterwards to strengthen him in braving his brother’s hostilities ; but he had a still more powerful friend, in the rashness, vice, and misconduct of the latter. From M. Sismondi’s account of the civil war which ensued in Normandy, we extract the following interesting details :—

\* Sismondi.

“Duke Robert of Normandy had lost, in the inveterate use of pleasures, nearly all the qualities which alone had distinguished his youth. No longer could his bravery, his frankness, or his humanity, be counted on; whilst he was always indolent, imprudent, dissipated, incapable of submitting his actions to any rule, any more than he had ever been. The result of his vices and his negligence had been to deliver Normandy to a civil war, which at the same time entirely desolated it. There was not a town, there was not a castle, that was not disputed between parties, and exposed to the ravages, the burning, or the extortions of the soldiers: the capital itself was not sheltered from this violence. Under the reign of William the Conqueror, the town of Rouen had been enriched, as much by the pillage of England, as by commerce. The sojourn of the duke, the nobles, and the prelates who shared the treasures, the fiefs, and the benefices of a great kingdom, had spread opulence there. Thenceforward Rouen had begun to take in the affairs of the state, an interest which attests its political liberty. Since the death of that king two opposite factions divided the burgesses, as well as the nobility. The one wished to transfer the sovereignty to the King of England, who by his talents appeared most worthy; the other wished to preserve it to the Duke of Normandy, who by his birth, seemed to have most right. The richest of the burgesses of Rouen, Conan, son of Gislebert Pilate, was at the head of the royal party, and

on the 3rd of November, 1090, he introduced within the walls of his country the soldiers of William Rufus. However the greater part of the rich houses were fortified, the streets were cut off by barricades, and the royalists, masters of the posts, had yet many combats to fight before being able to call themselves masters of Rouen. At this moment Duke Robert, instead of putting himself at the head of his partisans, went to seek refuge in the convent of St. Marie-des-Prés, without the town. His brother Henry, on the contrary, with some of the principal lords, to whom he was quite recently reconciled, marched boldly against William's soldiers, rushed upon them, overthrew and forced them to go out of the town, and made Conan prisoner, with many of the chiefs of his party.

“ Henry had shown the bravery of a valiant knight ; it was scarcely necessary to ask other virtues from those who made a parade of this title ; above all we must not expect from them generosity or pity, which belong to civilization, not to barbarism. The prince led Conan, his prisoner, to the top of the tower of the citadel ; ‘ See,’ said he to him, showing him the town beneath him, ‘ how beautiful is this country which thou wishest to subjugate ; what a beautiful port to the south extends under thine eyes ; see that forest so full of game, that Seine, so full of fish, which bathes our walls, and which daily brings us vessels filled with such rich merchandise ; see on the opposite coast, how the town is peopled, how it is ornamented with



towers, with temples, and with palaces.' The ferocious grin which accompanied this language, taught Conan all he had to fear, and, turning pale, he begged for mercy. To buy himself off, he offered Henry not only all his riches, but all he could obtain from his family. 'By the love of my mother,' cried Henry, 'there is no ransom for a traitor, nothing but a ready death!' The traitor, however, by taking the part of one of the brothers against the other, had done only what Henry had already done, and that which he soon came to do again. 'For the love of God,' cried Conan, 'at least grant me time to confess myself.' 'Not an instant,' replied Henry, and at the same time he pushed him with his two hands through the window, which was open just below. Conan had his head smashed to pieces on the pavement. The great lords of Normandy, Robert of Belesme, William of Breteuil, William of Evreux, and Gilbert of Aigle, divided the other burgesses of the royalist party; each led some one into the prisons of his own castle, and they tore from them an enormous ransom, by terror or tortures. Cupidity did not act alone on this occasion upon the minds of the nobles; they were jealous of the burgesses, who, enriched by commerce, and ceasing to tremble before them, already pretended to be consulted in the affairs of the state. It was less to pillage them, it needed their most cruel pains, to punish them for having dared to think as men, or to act as citizens.

"Henry was not long in experiencing the



ingratitude of the brother whom he had so well served ; the king of England landed in Normandy, to attack Robert ; but the two brothers, after having measured their strength, felt that the war would be long and fatal to them both ; they decided, therefore, to sacrifice the third, from whom they agreed to take, to divide between them, the counties of Coutances and Avranches, which he held in fee of Robert. Henry, alone, could not resist the two princes at once ; thus all his knights, judging beforehand that his cause was lost, abandoned him, with the exception of some brave Breton soldiers, who shut themselves up with him in the castle of Mont-St.-Michel, and who sustained there a siege of fifty days. However, before the end of Lent, Henry himself acknowledged the impossibility of holding out any longer,—he asked to go out with life ; and having retired into the lands of the King of France, he passed three years in exile. He was accompanied by only a single knight, a single priest, and three squires.

“ The retreat of Henry and the division of his fiefs between his two brothers, suspended, for at least two years, hostilities between them : the King of England acquired the property of a considerable part of Normandy ; Duke Robert began again to live in luxury, surrounded by dancers, jongleurs, and parasites, who shared his orgies, and celebrated his generosity. In the midst of a people so turbulent, so irritable, and sometimes so ferocious, as the Normans, a sovereign lost in indolence could not maintain

the public peace ; thus private quarrels soon gave place to as much brigandage as had before arisen from civil war. Some insult given to a woman, by the brother of Ascelin de Goel, which he pretended that his lord, William of Breteuil, had punished with too much severity, lit up a war between these two gentlemen. A circumstance which serves to make known the relation of the King of France with his inferior vassals, renders this war remarkable. The household of Philip I., or the young gentlemen raised at his court, tired of the idleness in which they lived, took part with Goel, who was the weakest, and who had more need of taking mercenary soldiers into his pay. Richard de Montfort took the command of this household of the king, which, valiantly seconding Ascelin de Goel, defeated his adversary William of Breteuil, in the month of February, 1094, and took him prisoner. It was, however, necessary to pay for this royal assistance, which was more costly than that of common soldiers. Goel wished to do it with his prisoner's money, but for this it was necessary to find means for loosening his constancy by torments, and to extort from him treasures which Breteuil was determined to defend. Somewhat respecting in him yet, however, the character of his lord, and remembering the homage which he had rendered him, he did not wish to deliver him to the executioners, oftenest charged with tearing a ransom from prisoners by torture. But during three months he exposed him in his shirt, all the morning, in the north windows of his castle

of Breherval, after having thrown over him some buckets of cold water, which froze one after another upon his body. In this manner he at last extorted from him three thousand pounds of silver, horses, arms, the citadel of Ivry, and his daughter, whom he demanded in marriage.

“ Other Norman lords gave, at the same time, proofs of ferocity even greater ; Robert de Geroy often cut off the hands or feet of his captives, or tore out their eyes ; and it was even less to satisfy cupidity, than to enjoy their sufferings, and to find in them matter for atrocious pleasantry with his friends or his parasites. Many of his captives, who had offered to purchase themselves by great sums of money, died in torment ; many others escaped, and thenceforth pursued him with inextinguishable hatred. The very women participated in this cruelty. Alberada, Countess of Evreux, had built the fortress of Ivry ; she soon feared that the architect, who had completed an admirable work, might attempt, either to construct a like one for some of her rivals, or to betray the secret of her own ; and without his being guilty of any offence, she cut off his head. This architect, named Lanfred, was however soon avenged. Count Raoul of Evreux, Alberada’s husband, thought with uneasiness that his wife knew all the secrets of his castle, and he treated her as she treated her architect.” . . . .

“ When the first crusaders returned to their homes, far from the place where they had lost their companions-in-arms, forgetting their

bloody quarrels, their jealousies, their misfortunes, and their sufferings, they preserved only the glorious remembrance of their victories, and that sweet emotion that attaches to the image of past dangers, or foreign adventures. Their imagination incessantly carried them back to the palace of Constantinople, and of Antioch, into the rich countries of Asia, or into the midst of the prodigies of the holy places. They had need to recount their exploits, and to hear them they were incessantly surrounded by a greedy auditory: thus the disasters of the sacred wars, far from diminishing the enthusiasm, or enlightening the people by an experience so dearly bought, seemed to redouble the ardour of the new crusaders.

“Among these heroes of the first crusade, whose return excited enthusiasm, Robert Courte-Heuse, Duke of Normandy, held a distinguished rank. His habitual carelessness, his incapacity for government, his dissipation and his debauchery, were forgotten; and they took account of all the qualities connected with these defects, which he had had an opportunity of developing among his companions-in-arms. They vaunted his good humour, his gaiety, his bravery, and his liberality, which among crusaders all equally poor, was only exercised with his share of the pillage, and cost no more than the tears of its subjects. On his return into Europe, he had stopped among the Normans of Apulia, and he had espoused Sibylla, daughter of the Count of Conversano. It was there that he learned the death of his brother William

Rufus. His absence gave his third brother Henry, surnamed Beauclerk, an opportunity to seize the crown of England, and to impose silence on those Norman barons, who with William of Breteuil at their head, had wished to maintain the rights of the elder brother, and the legitimate order of succession.

“Thus began the reign of Henry I. which lasted twenty-five years. Henry employed in the government of England as much vigour as skill, and he laboured first to regain the affection of the English, so cruelly oppressed by his two predecessors. But he had too much business in England to essay to dispute with his brother the sovereignty of Normandy.—Robert re-entered it in the month of September, 1101, without experiencing any obstacle; he peaceably retook possession of his sovereignty, and was not long in showing that his voyage beyond the seas had corrected neither his indolence nor his vices; so that there was not in France a sovereign less proper than he to restrain the turbulence of the Norman barons.

“The two Norman princes, who had each seized a portion of his brother’s succession, did not long remain satisfied with this accidental division: their barons, who had at the same time fiefs in England and Normandy, and who by consequence ran the risk of seeing half their property confiscated, whichever party they followed in the wars which might happen between the two sovereigns, desired still more lively that a single king should govern at once their old and new country. Some bore their homage



to Henry, others to Robert ; but if they were divided upon the choice of a chief, they were agreed upon having but one. The English, on their side, were divided between the two brothers : Henry had succeeded in gaining the affection of some, whilst there were many others who preferred the prince whom they knew least to him whom they had already proved. Robert, summoned by these, landed at Portsmouth, in 1102, with a Norman army. He was scarcely established there when he perceived that the zeal of his partisans was abating. He then told his brother, that whilst their courtiers sought to embroil them, a single conference would suffice to make them agree. In fact, the two brothers met on a plain, where their two armies surrounded them ; they embraced tenderly, and easily agreed to a division, to which their barons had until then put an obstacle. Robert renounced his rights over England, in consideration of a pension of three thousand silver marks, and the abandonment by Henry of all his fiefs in Normandy. The latter reserved upon the Continent only the town of Domfront, because, on taking possession of it he had sworn to the burgesses never to cede it to any other master.

“The agreement which had been concluded between the two brothers, was, it is true, not long observed. Henry, who wished to confirm his power over England, successively arraigned in judgment Robert Mallet, Ives of Grandmesnil, Robert of Pontefract, Robert of Belesme, and the other Norman barons whose insubordi-



nation he had experienced : these had recourse to the protection of the duke of Normandy, who had comprised them in his last pacification. Robert, with the imprudence and confidence which characterised him, instantly passed into England, accompanied by only twelve knights, to summon his brother to observe his promises more religiously. But he was no sooner arrived in this isle, than he learned that the king looked upon his journey as a violation of their treaty of peace; then he gave himself up to the most violent anger, and threatened to arrest him, to retain him in a dungeon for the rest of his days. Robert, frightened, had recourse to the mediation of the queen, to whom he had preceedingly rendered a service : he abandoned into his hands the pension of three thousand marks which he had reserved, and he held himself very fortunate in obtaining permission to quit England, without having even essayed to stipulate any thing in favour of those of his partisans who had implored his protection.

“ Henry then followed with activity the plan which he had fixed on against the barons attached to his brother. He began by citing them to his court at Paris, and condemned them there; he afterwards attacked them arms in hand, and forced them, one after another, to renounce the fiefs which they possessed in England, and pass back into Normandy.

“ Whilst Henry fought for his rights against Paschal II., and against Anselm, Archbishop of Canterbury, he was obliged to keep terms with his brother; it was probably to this cause

that Robert owed for some years the preservation of his sovereignty in Normandy. This duke, buried in idleness and pleasures, indifferent to all that was passing, wanting constancy and firmness of mind, though he had given several proofs of valour in the combat, was daily more despised by his subjects. Whilst annals fail us to make known the state of the rest of France, the verbose history of Normandy recounts, with more detail than order, all the private quarrels of the lords, all the wars of the barons, all the violence which made that warlike province a scene of frightful anarchy and brigandage. The national manners are painted in these details, but in a revolting manner; ferocity seemed the character which dominated among the Normans, and the most powerful among their barons, Robert of Belesme, count of Alençon, and son of the earl of Montgomery, excelled the others in cruelty, as well as in talent and ambition. 'After having carried off booty,' says Orderic Vitalis, 'he devastated the countries by fire, and he was pleased to deliver to continual torments, even to death or the loss of their limbs, the knights or the peasants whom he made captive; for such was his cruelty that he was fonder of torturing his prisoners before him, than of enriching himself by receiving of them their ransom.' We can scarcely judge, even by conjecture, of the other provinces of France; and it is not sure that the anarchy to which they were abandoned, and the wars which desolated them, had every where such fatal consequences;

but the only part which was illuminated with a vivid light, presents a spectacle which cannot be contemplated without fright. The oppression of Anjou and Touraine, under Foulques-le-Rechin, seems to have been no less afflicting. While he made war on his son Geoffrey Martel, he is accused of being associated with robbers, who destroyed the passengers, and of having shared their profits, in return for his granting them protection.

“ Henry, beginning to feel himself master of England, wished, in his turn, to visit Normandy; he landed at Domfront, in 1104, and sojourned not only in that town, but in other places of Normandy, which acknowledged him for sovereign. A great number of Norman lords who habitually took up their residence upon the Continent, but who had also considerable fiefs in England, ran to pay their court to him; they assured him, in emulation of one another, that at his first signal they would take up arms, to submit the province to his domination. Robert, frightened at this disposition of his barons, declared himself, in an interview which he had with his brother, ready to purchase peace by new sacrifices. He renounced the sovereignty of the county of Evreux, and taking the count of that town by the hand, he sent that hand to King Henry, at the same time transmitting him, by this formality, the homage which he had received of his vassal. The Count of Evreux testified in a loud voice, and before all the courtiers, his regret at having to choose between the two sons of his lord; but

since he could not serve two masters who were not agreed together, he protested that, henceforth, it would be Henry alone that he could loyally obey as his lord.

“It was precisely forty years after the battle of Hastings had given England to the Duke of Normandy, when the battle of Tinchebray delivered Normandy to the King of England. This event was undoubtedly one of importance to the French monarchy. By strengthening within Gaul the domination of an ambitious rival, it prepared, for the successors of Philip and Louis, long and bloody wars; but these two princes did not raise their views sufficiently high to dread such consequences. They essayed not to trouble Henry, either in his conquest or in the efforts he afterwards made to re-establish order in his continental possessions, and to give them a good organization. Henry held in fact, in 1107, the States, or assemblies of lords, in Normandy. By their authority he was able according to his desire, to suppress the anarchy to which that country had so long been a prey, to rejoin to his domain all that which had appertained to his father William, to annul the donations made by his brother, to the churches the property which had been seized from them, to despoil the rebel counts, several of whom remained captives in England, until the end of their lives, and others forced to exile themselves to the Holy Land; to reconcile in fine the most powerful of all, Robert of Belesme, who, in thirty-four castles, still raised against the king the standard of revolt, and whom Henry

believed it more advantageous to gain than to punish.

“The conditions of peace which followed are not well known to us. The castles which had been taken on either side, whether by force or by fraud, were returned to their lords; and all the prisoners were released. Henry’s vassals, who had declared for his nephew William, submitted to necessity, and abandoned the cause of that young prince. Louis the Sixth himself, undoubtedly renounced his pretension of making him restore his heritage, since he received the homage done him by the other William, son of Henry, for the duchy of Normandy.

“It was at the end of the year 1119, or at the beginning of the year 1120, that the peace had been definitely concluded on bases determined by the pope, at a conference at Gisors. Henry, after having regulated the affairs of Normandy, thought only of returning to England with his family and his court. The master of a ship at Barfleur, son of him who had conducted William the Conqueror on his first passage to England, pretended that the right of transporting the monarch in his boat had become a kind of fee vested in his family. Henry had already made choice of another, but he did not wish to afflict this zealous servant, who had constructed for this occasion a very elegant vessel, which he had named *the Candid*. The king entrusted to him his children, that is to say, his legitimate son, William, aged seventeen years, presumptive heir to the crown, with his young spouse, Matilda of Anjou; and



his natural son, Richard, and Matilda, Countess of Perche. These young people having called to them all the courtiers of their age, *the Candid* was soon freighted with all that was richest and most elegant at the court. The voyage was to be that of a pleasure party: they set sail amid songs and jollity; the princes had given handfuls of money to the mariners; these employed it in purchasing wine, and both the captain and crew were intoxicated and incapable of doing their duty. They at last departed, after all the king's fleet; they wished to arrive first; and in taking the shortest course, the pilot struck against a rock, which the sea daily left bare at ebb-tide, and which was known to the meanest sailor. Instantly the vessel began to fill with water; the boat was put out: William Atheling, the presumptive heir, - whom each wished before all to put in safety, descended. She was already at some distance, when this young prince recognised the voice of his sister, Matilda, who, nearly perishing, called to him from the deck of *the Candid*. He ordered them to approach to save her; but at the same moment so great a number of fugitives threw themselves with her into his little bark, that she foundered even before the vessel from which these unfortunate had wished to escape. Three hundred gentlemen, according to some, one hundred and fourteen, according to others, nearly all heirs of the greatest houses of Normandy, had accompanied the princes of England, and perished with them. The inhabitants on the shore were



long occupied in seeking their corpses, to give them burial. A man of low birth, who had clung to a mast, was alone thrown alive upon the coast, and by him were learned the circumstances of the sad event. None dared to announce to the king the frightful loss which he had suffered. Count Theobald at last sent before Henry a weeping child, who, interrogated upon the subject of his tears, announced to him the wreck of *the Candid*. At this news the King of England fell motionless upon the earth, as if he were deprived of life.

“The disaster of Barfleur had not only struck Henry’s dearest affections, it might also disturb the obedience of his subjects, and augment the audacity of his enemies. He had now no son to whom he could leave his crown, and William Cliton,\* his nephew, whom he had incessantly persecuted, would acquire in the eyes of the Normans and English, the rank of his presumptive heir. Foulques V., Count of Anjou, who had so recently sealed his reconciliation with him, by marrying his daughter to the prince who had just perished, might break an alliance of which the sea had swallowed up the pledges. The nobles who in both states had shown themselves disposed to revolt, might cease to fear a monarch whom fortune had abandoned.

“Henry, after having for some time given way

\* *Cliton*, among the Saxons, meant one of royal blood, and usually the king’s heir. It was doubtless adopted as a surname for Duke Robert’s son, to please the Anglo-Saxon ear.—B.

to his bitter sorrow, tried to raise himself from the blows by which he had been prostrated. His policy turned to profit the very calamity which he had experienced. The widows, the daughters, and heiresses of a great number of lords who had perished in *the Candid*, could carry rich fiefs to those who might seek them in marriage. Henry made them espouse his favourites, or those of his gentlemen of whom he was most sure, and he distributed with them, to his most faithful servants, the richest patrimonies of his two states. At the same time, in the hope of again having a son, he espoused Adelaide, daughter of Godfrey the Bearded, Count of Louvain, and Duke of Lower Lorraine; but by her he had no children. As he would not restore to the Count of Anjou his daughter's dowry, he could not fail to quarrel with him on that account. The claims of Foulques V. were however adjourned by that Count's undertaking a journey to the Holy Land, to appease the grief caused by the disaster of Barfleur, by which he had lost his daughter. He consecrated his son Geoffrey to St. Julian, in the church of Mans, then he departed for Jerusalem. After having entertained for a year a hundred knights whom he had devoted to the defence of the temple, he returned to France, where he charged the county of Anjou with a rent of thirty pouuds of silver, payable annually to the Holy Sepulchre; this liberality rendered him dear to the eastern Christians, and contributed to make them confer on him, in 1129, the crown of Jerusalem.

“The peace of Normandy, concluded between the two kings, lasted nearly three years. Though it did not render equal repose to all the provinces of France, it yet permitted Louis the Lusty to put his affairs in a little more order, and it allowed a glimpse of how much progress his power had already made. It was no longer with the petty barons in the neighbourhood of Paris that he was called on to combat; it was no longer for the possession of a tower or a castle that he invoked the aid of his vassals; this petty nobility, it is true, was not entirely brought to obedience; it regretted the days of brigandage, when it could enrich itself at the expense of the merchants and travellers; but it was powerless by itself, and it awaited to take arms, to be able to ally itself to the enemies of the state. The activity of Louis, his little success, his struggle for a formidable monarchy, the obedience to which he had accustomed his soldiery, had during these intervals, worked in all minds an insensible, and yet very prompt revolution. Twelve years previously, Louis, at the head of a few hundreds of soldiers, struggled even painfully against the Lord of Puiset, that of Montlheri, or that of Coucy. No great victory, no great conquest, no unexpected alliance, had changed the proportion of his forces, and nevertheless he had already become, what none of the Capetians had been before him, the true feudal king of France. Louis had become the president of that powerful aristocracy which often disputed his authority, but which henceforth showed

him respect, which acknowledged in him the same prerogatives as any of its members wished to exercise over his inferiors, and which sometimes permitted him to speak to the French princes, as well as to foreigners, in the name of all France.”\*

“Henry I., was the first king to bring royal *progresses* into vogue,” says Mr. Wade; “during which excursions the tenants on his demesnes were compelled to supply him, gratis, with carriages and provisions.” The example thus set, was followed by the barons in many instances. He held the earliest “great council of the nation” which has been called a parliament, and a few rich or influential persons, not noble, *may* have assisted at it, but this is not certain, or even likely. He died December 1, 1135, of a surfeit, near Rouen, his Norman capital, leaving no son; but after having taken care to leave as his successor (so he thought) his daughter Matilda, widow of the Emperor of Germany. Thus, in the year 1126, he had caused his great feudatories, barons, &c., to swear fidelity to this princess. This precaution was the more needful, as (to use coarse feudal phraseology) *le droit du ventre* to a throne or fief was disputable, and often had been set at nought. Next year, he held a meeting of “the states” or “great council” of England, for the settlement of the government; at which were present David, King of Scotland, and Stephen, heir of Boulogne and Blois, Henry’s

\* Sisimondi’s “Feudalism in France.”

nephew. The composition of this great assembly was, as we have intimated above, nearly if not entirely feudal; yet, as Lord Bacon asks, "Where were the *commons* before the reign of Henry I.?" it is presumable he believed that the democratic element was then introduced to the English constitution; though he does not say in what form.

When the demise of Henry I. took place, Stephen, third son of the Earl of Blois, taking advantage of the absence of the rightful heiress of the crown, which he had sworn to help to secure for her, by the assistance of his brother Henry, then Bishop of Winchester, and of a few barons and prelates, seized the reins of government, and was proclaimed king. Two great parties now arose, which levied war against each other, and desolated the land: namely, the adherents to the empress, and the faction of Stephen. On the former side were most of the chief feudatories, or great barons; on the latter, a majority of the class of knights, or feudal gentry, who were attached to the usurper by the concessions he was forced to make to them, and by the perfect impunity he allowed them in every infraction of their weaker neighbours' rights.

#### REIGNS OF STEPHEN,\* HENRY II., &C.

THE anarchy which prevailed in Stephen's

\* Stephen was third son of Adela, daughter of William I., by Stephen, Earl of Blois. In 1135, he reduced Normandy. The Earl of Gloucester, Maude's illegitimate



reign, and especially during its earlier years, was really of a very frightful character. One of the means of the warring and predatory feudalry to secure their ill-gotten goods, wrenched from each other, or squeezed out of the miserable people, was to desposit them in strong castles ; whence, also, they could issue and return in safety, while prowling for more. At the death of Henry I., the number of these feudal fastnesses was about four hundred. In a few years after Stephen was king, one thousand one hundred more were constructed. The accounts of the excesses—murders, torturings, ravages—committed by their inmates, as depicted in the “Saxon Chronicle,” compose a picture which makes human nature ashamed of itself:—“Grievously the barons and knights oppressed England with their castle works. When the (new) castles were made, they filled them with evil men, or rather devils ; and then they seized every one supposed to have any property, man or woman, both by night and day ; put them into their dungeons ; dark, foul, and slimy places, full of toads and adders. To force their prisoners to disclose where their hidden goods might be found, they hanged them up by the feet, and smoked them with foul smoke, or roasted them by slow fires. Some were hung by the thumbs, others by the beard. Knotted

brother, acting on her behalf, fought, defeated, and took him prisoner, in 1141. Gloucester, defeated and captured in turn, was exchanged for him. He made peace with Henry, 1153, in terms of which he was to be king for life, but the succession not to pass to his family. He died of the piles, Oct. 25, 1154, aged 49.



cords were put about the heads of many sufferers, and twisted by degrees, as the interrogations went on, till at last they entered the brain.”— Other details, yet more shocking, follow, of means used to extort confessions of the patients’ having property concealed, which in many cases did not exist ; and as the end of all, they were punished with death, accompanied with preliminary torments, “such as none of the martyrs in the cause of Christ and his church, ever suffered.”

John of Salisbury, a contemporary historian, gives similar details of the lordly excesses and feudal horrors of Stephen’s reign ; during which there was no regular central government, or any fiscal taxation whatever ; all parties maintaining themselves, the court included, by plundering tenants, and squeezing the inhabitants of the towns ; to enable which to be done the more effectually, the king kept in pay a body of Flemish veteran mercenaries, men long previously skilled in every variety of marauding and organised depredation.

Public immorality is ever the constant concomitant of political and social disorders.— Accordingly we find, from the testimony of Peter of Blois and others, that the prostitution of women in those otherwise dreadful times increased to a disgusting extent. Numbers of the wives, daughters, and sisters of the nobles and gentry became abandoned, or were sunk, by privation of their property, or loss of their protectors, into the lowest abyss of sensual vice. “The *ladies of pleasure* accompanying

the court were formed into regular companies, under the direction of marshals, whose offices were hereditary, and to which considerable estates and emoluments were attached. Stews were established by law in London, and, most probably, in the chief towns of the kingdom." *Wade*, "Brit. Hist."

In the succeeding reign, (A.D. 1157—1189,) that of Henry II. son of Matilda, matters were greatly amended; an efficient means of national amelioration, being the total destruction of all or most of the new castles erected in the time of Stephen. Another was the foundation being laid, for keeping on foot a regular force, at the royal disposal, for repressing feudal disorders; but which was, at first, raised under cover of being needed for the wars in France, &c. Thus there were three scutages (a tax in compensation for excused military service) levied in this reign. It was a cunning royal impost levied upon each knight's fee, in the king's name, for the support of a regular force. The struggles between the royal and clerical power fill up much of the annals of this reign; and the chief political event in it was the easy conquest of Ireland, A. D. 1172, which added considerably to the royal power.\*

Henry's successor, Richard I., was rather a

\* William Fitz-Osborn, popularly called Longbeard, a lawyer, was hanged at Tyburn, on a charge of stirring up the people seditiously. "This was the first instance of the commons rising in defence of their liberties as men."—*Dr. Trusler*.

knight errant than a King of England, or even Duke of Normandy ; to both which titles he succeeded on his father's demise, A. D. 1189. This battling monarch passed *but four months* in England during the whole ten years of his nominal reign. He is one of the (so called) "heroes of chivalry ;" and although a slave to his passions, and immoral in his life, he figures favourably in church annals, from having fought fiercely, if not always successfully, against the "Infidels," and to recover possession of the Holy Sepulchre at Jerusalem. Much of the wealth of England was drawn from it to support him in his insane "holy" wars ; and a heavy sum was paid to ransom his pernicious person from a captivity recklessly got into. To raise the price of his redemption, taxes were levied upon all classes, including a special laudable cess upon the vanity of the greater feudalry, for granting them a "liberty of tournaments," or holding public tiltings.

The almost constant absence of the king was inimical to the continuance of such regular government as his father had been able to establish. Among the feudal disorders of the time, we may notice the feats of the vagabond Earl of Huntingdon, a landless or ruined noble, who with his followers, was and is popularly known to us as "Robin Hood and his Merry Men." As, according to received traditions, this equivocal personage showed some signs of discriminative humanity in his lawless acts—doubtless a novelty in the land among the

feudalry—his name was held in great esteem in his own days, and his memory has descended to ours with some share of honour. For, as Sir Richard Baker\* quaintly says, “he was *honestly dishonest*: as he seldom hurt any man, never any woman; spared the poor, and *only* made prey of the rich.”

John, Richard's royal *double* and successor, who bore the nickname of *Lackland*, (probably because most of the royal territorial domains had been alienated or exhausted of their resources during recent years,) ascended the throne A.D. 1196. He had previously exercised plenary power, delegated or usurped, in England, Ireland, and Normandy, in a manner which showed that his heart was radically bad. Yet were the defects in his character—even his crimes—useful to the people; for his vicious acts and craving wants were the means of setting him at war with the nobles, and out of their quarrels some little good arose even to the villains or serfs. In 1205, many of his English barons having deserted his standard during some hostilities he was waging in Normandy, he levied a heavy tax upon the noble deserters. Had he not imprudently got into trouble with the clergy, early in his reign, it is not to be doubted that, with his three-handed sovereignty, he could have made good headway against the feudalry. The latter, however, under the mask of religion, banded together, A.D. 1215, and proceeded to coerce him with a

\* Chronicles of the kings of England.

feudal host called "the army of God and of the Holy Church." Not having a sufficient force to hold out against the banded feudatories, (who, be it remembered, only revolted for the maintenance of *their own* exorbitant privileges, and not at all for the general interests of the nation,) the king was constrained to sign the instrument called "Magna Charta," a document of great fame, but of exaggerated intrinsic importance.\*

John's bad character, and his necessities, which led him to risk squeezing the feudals as well as the people, were the real cause of the barons' "patriotic" war against him. Out of revenge at one turn of these civil wars, they basely invited the French to invade their country, and transferred their allegiance, for a time, to the son of the King of France.

It has been urged against this king, that "when a baron died, the king immediately took possession of his estate; and the heir was obliged to make applications to the crown, and desire that he might be admitted to do homage for his land, and pay a composition to the king, the latter holding on till it was paid." And "if the heir were a female, the king offered her any husband he thought proper, of the same rank; if she refused him, she forfeited her land. Even a male heir could not marry

\* When some liberty-seeking "deputation" asked certain political concessions from Cromwell, deducing the popular right to them from Magna Charta, the Protector coarsely but appropriately echoed the sound with the irreverent words, "Magna F—a!"



without the royal consent; and it was usual for men to pay large sums for the liberty of choosing a wife.”—(*Wade.*) No doubt of it; but all these things John was *entitled* to do, in his capacity of a feudal king; and everything which he thus did, in the large, was done in the small by the feudatories and sub-feudatories to their vassals. It was only his reverting to what had fallen somewhat into disuse, by carrying out the feudal principle to its furthest limits, that he provoked a resistance which was successful, but not, for all that, strictly legal.

We discern, by inference, from the stipulations and prohibitions contained in the “Great Charter,” extorted from John by the “barons,”—meaning the whole feudalry in arms against him,—a number of the prescriptive tyrannies, great and small, of the time. For example, it was now ordained that “all *freemen* shall be allowed to go out of the kingdom, and return to it at pleasure. . . . Justice shall not be sold, refused, or delayed. . . . Royal courts (*aulæ regis*) not to be ambulatory with the king. . . Provincial or circuit courts to be held regularly once a year. . . . Merchandise to be relieved, on transfer, from tolls and impositions: (these were partly regal, but far more were exacted by the nobles themselves, in the market, and on the way to it.) No person to be imprisoned or dispossessed of his holding, unless by the legal judgment of his peers. . . . No labourer of the soil, villain, or other, when sued in debt,



to be deprived of the more needful agricultural implements," &c.\*

#### REIGN OF HENRY III., &c.

HENRY III. succeeded to the throne on the demise of his father, John, A.D. 1217. His reign was long, and favourable, also, the times considered, to popular rights.† The great feudal council, or "assembly of the states," under the name of a parliament, in the year 1225, granted to the king a subsidy of a fifteenth of the value of all moveables, provided recent charters of concession were confirmed; and in 1241, it refused altogether an aid which was demanded by the king. But how far this

\* "There is no one ignorant of the first origin of the free institutions of England, or how the coalition of the great barons, in the year 1215, wrested from King John the Magna Charta. It is not so generally known that the Great Charter was renewed and confirmed, at repeated intervals, by the majority of the English kings. There were more than *thirty* confirmations of it between the thirteenth and sixteenth centuries."—GUIZOT, *Civ. Eur.* p. 13.

† "Compare the French with the English middle ages—the eleventh, twelfth, and thirteenth century of French history, with the corresponding centuries of English. It will be found, that during those times, FEUDALISM was almost absolutely paramount in France; and *royalty* and *democracy* nearly nullified. In England, on the contrary, though the feudal aristocracy held the chief sway, royalty and democracy evinced themselves both vigorous and important. Royalty triumphed in England under Elizabeth, as in France under Louis XIV.; but how many precautions was it obliged to take? how many restrictions were imposed upon it, sometimes by the crafty aristocracy, sometimes by the purblind democracy?"—GUIZOT; *Civil. Eur.* l. 14.

refusal arose from feudal insolence, rather than from the unwillingness of the people (supposing they were consulted in the matter), it is not easy to say: but that the barons took undue advantage of the weakness of Henry's character is plain, from the recorded fact that in 1251, the Earl of Leicester, getting into high words with his sovereign, gave him the lie direct, without the king attempting to avenge himself. Seven years afterwards, we find Henry and the barons engaged in civil war; which continued, actively or passively, till A.D. 1264, when the antagonist parties, king and nobles, having referred their cause to the arbitration of St. Louis, King of France, the latter refused to abide by his award, because it was given against them; and forthwith renewed the civil, or rather baronial war. The king, however, ultimately forced them to come to terms; chiefly through the spirit and military talent of his son, afterwards Edward I.

While the feudal war was going on, viz., in 1264, Earl Montford, one of the leading barons, called a parliament, *by writs*, in the king's name, wherein two knights sat for each county, to represent the whole secondary feudalry in every shire; and two burgesses were called for each borough. And next year, another parliament, similarly constituted, met. "It is from this time, that we must date the origin of the House of Commons."—*Dr. Brady*.

Henry III. died in 1272, and was succeeded by his far more energetic and able son, Edward I. During the reign of the latter, knights of

the shire, and deputies from the boroughs, were regularly called to parliament. They and the barons, or chief feudatories, who took their places, in right of their fiefs, or upon summons to attend, in the great assembly of the nation, seem to have at first sat and voted together. The former feudal magnates were called "barons by tenure," the others were "barons by writ;" but as no summons was sent, individually, to the members of the secondary baronage, or gentry, and as these were supposed to be all represented by the two knights *of* the shire (say, rather, *for* the shire); when the lords began to vote apart, the deputy knights came to be considered as forming a section of the House of Commons: a nominal reservation, however, of superiority over the burgess deputies being therein conceded to them, in right of their gentle, if not noble birth.

At first, and not till long after the reign of Henry III., did even the "barons by writ," when summoned to parliament, retain a *permanent* place there. But in the sixteenth century it was finally ruled, that when a noble was thus called by the king, he became a member of the legislature for life; and his male descendants had a right to claim a place there along with their other privileges and honours. Matters being thus settled, "it became hazardous in the crown to multiply [irrevocable] peerages; for though the first possessors might be subservient, their successors might be (and often were) refractory."—*Wade*.

Edward I. governed England with admirable

skill, and maintained its reputation abroad by his valour. The ameliorations he effected in English law, and every branch of civil polity, gained for him the honourable name of "the English Justinian."\* He subjugated Wales, and annexed that principality to England, to

\* During the feudal ages, "robbery was not an uncommon vocation of both nobles and commoners. The numerous banditti which overran the country, were frequently under the protection of powerful barons, who sheltered them in their castles, and shared in their booty. In Hampshire, their numbers were so great, that the judges could not prevail upon juries to find any of them guilty; and Henry III. complained that when he travelled through that country, they plundered his baggage, drank his wine, and treated him with indignity. It was afterwards found, that several members of the king's household were in confederacy with the thieves. Even under the more vigorous administration of Edward I., a numerous band of robbers attacked the town of Boston, in time of the fair, set it on fire in three places, and carried off an immense booty. Their leader, a *gentleman* of great influence, was tried and executed. As the chief nobles were generally powerful, some of them were very cruel; and this character, which one of their leaders wore embroidered upon his coat, in silver letters, might have been applied to several others; namely, 'I am Captain Warner, commander of a troop of robbers—an enemy to God! without pity, and without mercy!!' As neither persons of condition, nor even kings, nor populous towns, could be protected from these audacious plunderers, we may presume how terrible they were to ordinary travellers, and the inhabitants of the open country."—*Wade*.

In the "*Dictum de Kenilworth*," drawn up in the 51st year of the reign of Henry III., (1268) is the following clause:—"knights and esquires *who are robbers*, and among the principal thieves in wars and plunderings, if they have no lands, but have goods, shall pay half such goods for their redemption (from the pains of law, for their depredations); and find sufficient surety, henceforth, to keep the peace of the king."

its great ultimate advantage. He tried to do the same with Scotland, but (unfortunately, as we think) failed. "His death," (says Mr. Wade, concurrently with other English annalists) "was a fortunate event for the Scots." The present writer (himself a true Scot, as he thinks) inclines to give vent to the very reverse sentiment; "patriotism" may be *real*, though not purblind. But he can do no more at present, than propound his peculiar opinions on this point, which he has expressed and sustained elsewhere.\* What is more pertinent to the present subject is the observation, that he shortened the feudal tether considerably; and while he dealt justly by his nobles, he did his best to secure immunities for their vassals, and was the first English "king of the commons."

Upon the sudden demise of Edward I. (A. D. 1307) an immediate change, every way for the worse, came upon the affairs of the English people. Through the folly and incapacity of his unworthy successor, they experienced immediate defeat abroad, and an instant renewal of feudal turbulence and oppression at home. The nobles formed cabals, and rose in rebellion; anarchy and civil war paralysed the government and devastated the land. A famine ensuing as its natural result, and a pestilence succeeding to dearth, and the nobility discharging many of

\* "New Annals of Old Scotland," MS. There a parallel is drawn between the invasions of Edward, his treatment of Wallace, and the "rights of the conqueror" and civiliser, as exercised and defended in modern times.



their retainers to save the cost of their keep; these joined the pre-existing bands of robbers, and they together rode about the country in troops, almost as numerous as flying armies. It is recorded of those times, as the greatest proof of the prevalent disregard of all authority, secular and sacred, that two foreign cardinals, travelling in England, on special missions from the pope, were, notwithstanding their sacred calling and holy errand, and despite the strong armed escort which accompanied them, attacked and despoiled of their equipages and goods upon the king's highway, in open day.

One of the greatest events of this inglorious reign, as regards our immediate subject, was the suppression of the order of the Templars in England;\* an act which was done at the earnest request of an unjust Roman pontiff and a cruel and rapacious king of France. Doubtless, Edward, or rather his courtiers, were glad to get hold of the Templars' estates, which were considerable; and they confiscated them all with the less hesitation, as the "holy father" blessed the work!

Edward II. (murdered September 21, 1327) was succeeded by his son Edward III. As a warrior, and civil administrator, he was a worthy rival of his grandfather; like him, too, he restrained feudal exorbitancies, and encouraged the claim of the rising commons to a share in legislation. At the outset of his reign, wishing

\* This order was instituted in the year 1119. They first came to England during the reign of Stephen, and they were much favoured by Henry II.



to acquire the character of a champion of chivalry, he asked and obtained knighthood at the hands of the Earl of Lancaster. The wars in France of this king are vulgarly considered as the chief glories of his reign; but, however successful they may have been, they were both unjust and impolitic. They tended so far, however, to the public benefit, that a goodly number of the feudalry, who would have else tyrannised at home, found "glory and a grave" in foreign lands. And when the nobles deceased left no direct descendants, their lapsed fiefs were of course absorbed in the domains of the crown, as already intimated.

In the year 1351, the parliament\* joined the king in resisting papal pretensions, from motives of interest; wishing to secure their own presentations to church benefices, when they happened to be in England.

\* "The English Parliament first took root under the Plantagenets. Under the Tudors, the house of commons, more especially, began to take a great place in the general government. Henry VIII. needing a public support, or instrument, in order to change the religion of the country and regulate the succession to the throne, made convenient use of the parliament for these purposes. Under the Plantagenets, it had been an instrument of resistance, an assistor of private right; under the Tudors it became an instrument of government, a participator in general politics, so that, at the end of the 16th century, though it had served almost all descriptions of tyranny, its importance was, nevertheless, greatly increased; its power was fixed on a stable basis, namely that of representation."—GUIZOT, *Civil. Eur.* l. 13.

## REIGNS OF RICHARD II. AND HENRY IV.

EDWARD III. died June 21, 1377, "deserted in his utmost need by those his former bounty fed," and was succeeded by his grandson, the incapable and consequently unfortunate Richard II. The alternation of talents with imbecility in the lineage of English kings, in those ages, is really curious.

The principle of universal taxation, on laymen and churchmen of all ranks, was carried out in a parliamentary vote, instituting a general capitation tax, A. D. 1379. The rate levied upon a married labourer, or a single man or woman of the labouring class, by this law, was 4d. a-year, and probably might be onerous to the extent that 2s. would be in our time. This unaccustomed exaction from a people used to feudal oppression, but unused to royal taxation, accompanied by some acts of brutality on the part of the tax-gatherers, led to the rebellion known as Wat Tyler's (A. D. 1381); which was soon cruelly put down. The revenue thus raised from the people by the king's officers was employed, neither for the country's glory abroad, nor for the protection of the lieges at home, but wasted on base nobles and fawning courtiers—always ready to turn against the foolish patron. The political crimes of Richard gave a ready handle to his cousin, Henry of Lancaster (who had also some personal wrongs to complain of) and a fair excuse for opposing and dethroning him. The sanguinary struggle for regal power which soon

ensued, known as "the Wars of the Roses," involved great events of a political and social, as well as of a warlike character. During the times of Richard II. the feudalry were very turbulent; but, upon the whole, their importance did not increase; while the feebleness of the king's character, and his pecuniary necessities (for his personal expenses were profuse, though his reign was inglorious), enabled the smaller gentry and commons, in their parliamentary capacity, to extort or purchase from him several immunities which afterwards became advantageous to the people.

Richard was deposed and murdered A. D. 1399.

The Duke of Lancaster now became King of England, under the title of Henry IV.; he and the other magnates confederated against Richard, thus setting aside both the king and his immediate heir. On occasion of his coronation, Henry instituted a new degree of chivalry or knighthood, called the "Order of the Bath." The forty-six members of this new knightage, which included Henry's own three sons, and those of the chief nobles of his party, had *bathed*,\* as well as performed knights' vigils (watching their armour, &c.), the night before its institution, in the Tower of London.

\* The bathing part of the preliminary ceremonies was certainly a commendable one, and showed an improvement in feudal habits. The ascetic members of the early church militant, saints, hermits—Simeon Stylites, and the rest—all rejoiced in dirty skins. And the Christian chivalry which warred against the Moorish in Spain utterly despised the Knights of Granada, as effeminate creatures, for in-

The circumstance of Henry being a usurper became eminently favourable to public liberty. Many of the nobles soon fell off from his cause, to sustain the York party, hoping to gain more by adopting the latter ; so the king, finding it indispensable to obtain an equipoise against such defections, sedulously courted the commons. His luxurious habits, too, and his love of military fame, made often call upon his parliaments for supplies ; these were seldom granted without some compensatory concessions being demanded and obtained from him. Foreign and civil wars, during this reign, cut up several of the noble families, root and branch ; and their possessions were, of course, appropriated, through feudal and royal right, by the king. More noblemen, too, died on the scaffold in this than any preceding reign ; so that, upon the whole, as the *hydra* of English feudalism had many of its heads lopped, the monster was in a fair way, through the tendencies of the time, and the blessing of God, of being crushed altogether. It was not till the reign of Henry IV. that

dulging in constant ablutions. When nominal Christianity was forced upon the people of the kingdom of Granada, after its conquest by Ferdinand and Isabella, the appearances of cleanliness about the person of a constrained Moslem convert were always considered suspicious, as showing tendencies to relapse from "the true faith," one of the evidences of the spiritual purity of which was the presence of bodily impurity in its professors. People who took so much care of the body, it was urged by the Spanish Inquisitors, could not mind much the concerns of their souls!—WATSON'S "*History of the Reign of Philip II. of Spain.*"

*villeins*, farmers, or mechanics, were permitted by law (stat. 7 Hen. 4, c. 17) to put their children to school; and not till long after, did they dare to educate a son for the church, without the license of their lord. The tendency of this excluding system naturally gave a feudal character to the English character; just as, in our own day, by making education expensive, and favouring university monopoly, the present Anglican Church and State establishments are become essentially aristocratic.

Henry IV. died March 20, 1413, and was succeeded by his son, Henry V.\* Into the details of this reign we do not enter, because, as regards our subject, they resembled those of the preceding; with this addition, that during the time of Henry V., the active military part of the English feudal system was entirely dissolved. In place of the *feudal array*, miscalled "the royal host," a NATIONAL MILITIA was equipped and maintained in time of war.† The latter soon showed their superiority in the field when pitted against the chivalry of France; and the fundamental difference in the composition of the antagonistic forces in the French and Scotch wars, easily accounts, without re-

\* "In 1414, on account of the wars, a sufficient number of notable persons could not be got to serve the office of sheriffs."—*Dr. Truster*.

† "*Royal commissions of array* had issued ever since the reign of Henry II.; and Henry V., before he went to France, in 1415, empowered commissioners in each shire to take a review of all the *free men* able to bear arms, to divide them into companies, and keep them in readiness for resisting the enemy."—*Wade*.



ferring to any fondly imagined national superiority, for the victories gained in them by the English, with very inferior numbers. The Kings of France and Scotland were thus ever at a great disadvantage in contending against the native militia and foreign mercenaries in the pay of the English monarchs.

Henry V. died at Vincennes, near Paris; his forces being then masters of the capital and most of the territories of the French king—the latter, however, being at that time very limited, —August 31, 1422; and was succeeded by his infant son, the gentle-tempered but imbecile Henry VI. The weak character of this prince, with other causes, made the English lose their French conquests more rapidly than they had gained them; and at home the royal incapacity encouraged the more direct descendants of Edward III. to set up the claims of legitimate regality in the house of York, to supersede the Lancastrian usurpation. Then followed the organised sanguinary civil contests of the “Wars of the Roses”—the *whites* against the *reds*,\* these colours being the symbols of the two parties.

Before these wars were finished twelve pitched battles were fought; the first being the great combat of St. Albans, May 23, 1455.

The greatest feudal personage of his time and country was the Earl of Warwick: this noble got the name of “king-maker,” because, as

\* It may be taken as a proof of the desolation of the land during these wars, that the whole revenue raised for state purposes, in 1451, was but £55,754.



he threw his weight into the scale of either of the royal parties, he secured their supremacy at will. "No less than thirty thousand persons are said to have lived at his board, in the different manors and castles in various parts of England."—*Wade*. This anarchy was killed April 14, 1471; and his death was a great relief to the country, while it was but a doubtful loss to the Lancastrian cause, which he had for the time espoused.

Most historians mourn, with a deploring pen, over the York and Lancastrian wars; and certainly for the then existing race of Englishmen they were very disastrous. Besides the kingdom being decimated in its population, and its lands desolated by the contending factions, hosts of volunteer murderers and marauders, the offscourings of both parties, worked an active trade of war on their own account. But succeeding generations lived to rejoice in the *cutting up*, almost by the farthest roots, of the families of the feudalry; most of the heads of which perished in the field, or died on the scaffold. Never was the phlebotomy of *noble blood* carried to so great an extent in any country, nor followed by such lasting salutary effects upon the health of the body politic. THIS MADE AMENDS FOR ALL.

The most important civil measure of this reign was an act (stat. 8 Hen. VI., c. 7,) ordaining that knights of the shire should be resident, and seised of freehold lands, in their respective counties, of the value of 40s. a year; and every county elector was adjudged to vest in

himself the same qualifications. Previously, after the suppression of the feudal military arrays, every householder paying "scot and lot" had the county franchise; but universality of power in voting had led, as the new act expressed it, to "manslaughters, riots, batteries, and divisions:" coarse work certainly, but proving the growing earnestness of the people, in exercising their parliamentary rights. The election of an M.P. had, in fact, now become a matter of much interest; for the commons, collectively, were really acquiring great political importance.

During this same reign, new means of battering in breach feudalism and all other practical irrationalities of the time, in England and elsewhere, were getting up in Holland or Germany, or rather in both: we mean the discovery and practice of the *art of printing*.\*

The reign of Edward IV., in whose person was resumed the line of York, dates from A. D. 1461. Civil wars and confiscations marked the first ten years of it; but these virtually

\* A work, printed with blocks, on one side of the leaves, says Adrian Junius, entitled "The Mirror of Man's Salvation," (*Speculum Humanæ Salvationis*) was produced by Dr. Koster, of Harlaem, A. D. 1438; but the fact is rather doubtful. However, Guttenberg's edition of the Bible, printed with cut metal types, begun in 1444, was issued in 1460. Printing was introduced among us by Caxton, in 1472; he learned the art in France, and thence brought his printing implements and materials; as is plain from almost every original technical term used by printers being of French origin. Even the word "chapel," (typographic) originated, and is still used in France: whatever "etymologic" nonsense may say to the contrary.

ceased, in 1471, upon the death of Henry VI. without surviving male issue. After this time, Edward cared less about his popularity than before, and we do not find that political freedom then made any further advance. At court there existed two classes of magnates, the "old" and "new" nobility; among the latter were the Widvilles, the relatives of the queen, who through her influence had risen to a potency which gave umbrage to the haughty chiefs of the surviving old aristocracy. At the death of the king, A. D. 1483, leaving two sons, the oldest aged only eleven, the old malcontent nobles formed the nucleus of the party got up by their uncle the Duke of Gloucester, afterwards Richard III. Some of these afterwards turned against that able and brave usurper, from motives of the same selfish character which made them support him before. He was not a man however to be trifled with, and cut them short by the head at once.\* A further general depletion of "noble blood" took place at the battle of Bosworth, May 22, 1485, which finished the contest between the rival royal houses.

\* Lord Hastings and other aristocrats figure in the hack histories of England and the dramas of Shakspeare as innocent victims of "the crook-backed tyrant." They were simply selfish conspirators for the most part, and, virtually inimical to the nation as well as its master; who, however he came by his power, was a good king. Those who wish to take a proper view of this subject, should read, first, Lord Chancellor Bacon's partisan Life of "the usurper;" and then the shrewd "Historic Doubts" of his statements by Horace Walpole, third earl of Orford.

Richard III., a chosen object of abuse by historians and romancers, was really, as a civil administrator, a friend of the people. Besides showing much regard for the parliament, and especially the Commons, the first act he caused the legislature to pass was one of great equity and benefit to the whole nation. We mean the stat. Ric. 3. c. 1, ordaining that "no money shall, for the future, be demanded of any subject, in name of a *loan* or *benevolence*." Former kings had frequently extorted heavy sums, under these titles; for though called by such gentle names, as the amount was fixed by the king, so was it dangerous to make any abatement in it, and might be fatal to individuals who shunned it altogether.

#### REIGNS OF HENRY VII. AND HENRY VIII.

THE reign of Henry VII. (A.D. 1485–1509,) forms an important epoch in the political and social annals of England. Overt feudalism was now almost extinct; and real monarchy all but complete. But, as it is better to be subjected to one ruler, even if a despot, than to many tyrants, the material and moral interests of the people progressed greatly under the sage and pacific absolutism of Henry, the new king, first monarch of the house of Tudor. Henry's chief fault was an inordinate love of money; this led him—doubtless against his better judgment—to commit many acts of fiscal oppression. His riches enabled him, however, to keep up a small but compact armed force;

this was really a useful body, for through its means he was able to dispense, at all times, with the unreliable services of the retainers of the nobles ; and also to repress, upon its first manifestations, the turbulence of their masters. The few titled men who revolted against him (such as Sir William Stanley, who changed sides in his favour at Bosworth,) were thus, at once, crushed without mercy, and their estates added to the ever-expanding royal domains.

In his first parliament, the paucity of nobles present showed the terrible pruning the feudal tree had lately received ; of “ barons by tenure ” there were, probably, not two-score left ; and several of these, as well as “ barons by right,” being under forfeiture, the latter were not allowed to sit till their attainders were confirmed or reversed.\* In a word, the remaining feudalry, both barons and gentry, were, as such, entirely, then and thenceforth, left in the power and at the disposal of the sovereign. Royal power, in fact, now bade fair to become as exorbitant as feudal sway had been ; but the wisdom and moderation of its present possessor tempered the absolutism which had devolved upon him ; but which was abused, to the degradation of the whole nation, by his imperious successor.

The two great aims of Henry VII.’s policy —and they were both beneficial to the nation —was to raise the commercial and depress the

\* We do not know what was the precise number forthcoming upon the occasion ; but we learn that only twenty-eight peers sat in the first parliament of his son.



aristocratic classes. As a mistaken means towards the former end, he encouraged the formation and extension of manufacturing and trading corporations in the boroughs. As the policy of the French monarchs led them to invest the burgesses of Paris with the title of noblesse, so the consideration Henry showed for the incorporated citizens of London, caused them to assume a standing they never had before,\* and have far too long maintained. A kind of municipal feudalism, if we may so term it, now succeeded to the territorial in the compression of the general labouring population of cities and towns; which grew into a nuisance we have not, even yet, got entirely rid of.

But of unmixed benefit to the nation was Henry's policy, in setting his parliaments at work to pass laws enabling the embarrassed nobility and gentry to break the ancient entails, and alienate, when they desired it, parts or the whole of their estates. By the operation of the statute of alienation, (4 Hen. 7,) and other acts, of common recoveries,† the great estates of

\* We have evidence of this fact in an act of the Common Council, dated November, 1486; wherein an article of the freeman's oath is thus expressed: "Ye shall take none apprentice but he be free borne; that is to say, no bondman's son, nor the son of any alien." Thus confining apprenticeships to the sons of citizens, or of those we should now call gentry.

† This was a subtle piece of legal jugglery to avoid breaking up directly the feudal territorial tenures. We are too slightly "learned in the law" to give the reader a clear notion of the working out a suit, founded on the double legal fiction of "fine and recovery;" but those



the barons were gradually dismembered, and the territorial and other property, and consequently political power, of the commons were augmented and increased; *villanage*, or serfdom, was very much diminished, though far from being abolished, as is usually said, in this reign; and the condition of the labouring classes, both in town and country, materially amended.

The act 4 Hen. 7. c. 24, intituled the "statute of fines," brought under review of royal courts all "contentious claims" to landed property; it likewise prescribed new means of ascertaining who were the rightful owners; and this being once judicially determined, their names were entered on the court rolls—so as to bar the pretension of all claimants present and future.\*

And though Henry cared little to employ a feudally constituted public force upon any occasion whatever, yet a law was passed (11 Hen. 7. c. 18) obliging the nobles and their retainers to attend the king's host when-

who wish to learn, from a few well-expressed sentences, all that it is needful for a general reader to know on the subject, will find it in Mr. Warren's very excellent abridgment of "Blackstone's Commentaries."

\* How this act operated in clipping the wings of the usurping aristocracy, while it regulated and secured its landed rights, placing them under the control of the trifling crown; all this, we say is not very apparent, but is well explained in the work just cited; and more at large, in Mr. Hallam's "Constitutional History of England and of the reign of Henry VII." But we may here observe, in few words, that by means of the foregoing and other acts, commencing with those passed in that reign, much of the soil of England has been emancipated from the worst restraints of the ancient feudal laws.

ever called upon ; on pain of forfeiting title and estates.\* This was meant simply for a curb upon the existing and future nobles and landed gentry.

Henry called no parliaments during fourteen years of his reign,† his enormous riches, derived from confiscations and exactions, enabling him to rule without subsidies. Whilst his parliaments sat, scarcely a session passed without some statute being passed against the nobles engaging *retainers*, and giving them *badges* or *liveries*,‡ a practice by which they were, in a manner *enlisted* under some great lord, and kept ready to assist him in all wars, riots and insurrections. Their licence had prevailed during many years, and it required all the vigour and vigilance of Henry to extirpate it. “A story is told of his severity against this abuse, which shows that his avarice suffered no opportunity to escape for filling his coffers. The Earl of Oxford, his favourite general, having splendidly entertained him at his castle of Henningham, was desirous of making a parade of his magnificence at the king’s departure ; and ordered all the retainers to be drawn up in two lines, that their appearance might be more splendid. ‘My lord,’ said the king, ‘I have heard much of your hospitality,

\* This act was renewed and its operation extended by the 19 Hen. 8. c. 1.

† He is said to have died worth £2,500,000 ; a sum of enormous value in those days.

‡ These myrmidons of the feudalry were known in France, as *valets* or varlets. They were, to a much later date than with us, the curse of that country.

but the truth exceeds the report. These handsome gentlemen and servants whom I see on both sides of me are, no doubt, your menial train?" The earl smiled, and confessed that his fortune was too narrow for such magnificence. 'They are, most of them,' rejoined he, 'my retainers, who are come to do me service at this time, when they know I am honoured with your majesty's [highness] presence.' The king started a little, and said, 'By my faith, my lord, I thank you for your good cheer, but I must not allow my laws to be broken in my sight! Oxford is said to have paid no less a sum than 15,000 marks as a confiscation for his offence.'—*Wade*.

Enemy as Henry was of feudalism, it is a remarkable fact that one of its most pernicious privileges, the retaining a vested property in wild animals, was first assured, by repeated statutory enactments in this reign. The first English game law, the initiatory act of a series which then sanctioned and yet sanctioned that which is one of the greatest curses of this nation, was the stat. 11 Hen. c. 17, passed in the year 1496.\*

This great, and upon the whole, good king died at Richmond, April 22, 1509; and was succeeded by "the English Nero," (Henry VIII.) his second and only surviving son.—The young king evinced, at his accession, the

\* Another evil measure of his was the institution of the court of "Star Chamber" (in 1487); which was a select junto of the privy council, presided over by the Chancellor. The number of members, at first 26, were at length increased to 42.

cruelty of his nature, and the defects of his moral perceptions, by putting to death, to please the rabble, noble and ignoble, his father's two principal fiscal officers, Empson and Dudley; while he retained, at the same time, every groat of the large sums they were said to have extorted from the people, under his father's orders. Henry the Eighth's unjust and tyrannical habitudes grew as his years advanced. That he kept the nobles under, even more than his father did, can scarcely be called a merit; for his rule degraded the bodies and depressed the spirit of *all* men; excepting, indeed, the few who withstood his two-fold despotism, secular and spiritual, only to be martyred for their antagonistic virtues. Providence seems to have chosen, for once, in its own inscrutable purposes, to show how far a whole *nation* can be pressed into the dust, by *one man* of strong will only, but no extraordinary ruling ability whatever. To enlarge upon this matter, however, would be foreign to our especial subject.

Yet let us not be unjust; his nature was not,—being, after all, human—*entirely* evil. A poet, (Thomson) speaks of this “tyrant's useful rage;” here is an example of his useful humanity. In the year 1514 (before his wild beast claws had fully grown), he granted a formal manumission to *two* of his bondmen or slaves, with their families, then living upon the royal domain; preluding the published act with the following plausible words,—“Whereas God did at first create all men equally free by

nature; but as many have been reduced to slavery by the laws of men...we believe it, therefore, to be a pious act, and meritorious in the sight of God, to set certain of our *slaves*, namely, &c., at liberty from bondage.”\*

This act doubtless, widely published, was meant for a hint that it would be *as well* for other serf-holders to follow the king's lead; and thus, without any positive law being passed on the subject, nearly all remaining serfs would be, in fact soon were, declared to be allowed to become free.

In 1528, the king, having long previously become weary of his first excellent consort, was suddenly inflamed with a strong animal passion for the young lady, afterwards known as “Queen Anne Bullen;” and whose person he found he could not obtain but by a form of marriage, present or deferred. This led to a quarrel with the pope, who would not, or rather, *could not*, grant him a divorce from Queen Katherine, to enable him to change wives.

“Then Gospel light first shone (upon him) through Bullen's eyes,” says the poet. What kind of *light* shone through Harry's lustful orbs we do not say, but our readers can easily imagine for themselves. The obstacles to the fruition of his wishes, led to his throwing off papal domination; that, again, to wholesale confiscations of the property of the olden English church, and to the sacrifice of some of its

\* See the Supplement appended to this Part II., section 2, for other recorded manumissions from the state of serfage in England.

best chief members ; among these the great and good Sir Thomas More, and the virtuous Bishop Fisher.

The amount of church lands, held directly or indirectly (in the latter form, by the "statute of uses," a subtle clerical device, to evade the laws of mortmain), was really something enormous ; and the larger portion of them ought to have been appropriated to beneficial secular uses for the nation. But, once in the hands of Henry, he first appropriated to himself the lion's share of the spoil, and then threw the rest to the hungry pack of courtier wolves and parasites, noble and ignoble, who were as ready to lick his feet, as they were to tear others in pieces at his slightest sign. It was at that time, many of our proudest English titled families "laid the foundations of their princely fortunes," to use the established well-sounding but ill-meaning phrase.\*

The nobility, who suddenly and circumgyratingly adopted Henry's theology, whatever it might be, and varying as it was to the last, had often more than merely conscientious motives for subscribing to all religious changes prescribed to them by Henry, and for finally sticking to that quasi-reformed establishment under which alone they could securely enjoy their share of royal rapine and misappropriation.†

\* Some idea of the value of church lands, confiscated by Henry VIII., may be obtained by adverting to the fact, that one hundred and twenty-five years ago, (A.D. 1727) they let for six millions sterling ; and the rent they now bring is probably at least quintuple that amount.

† "Pictorial History of England."—The income now



It seems hardly credible, if authentic and unquestioned records did not prove the fact, that despite the rich pecuniary hoard Henry inherited from his father, after the enormous spoil he wrenched from the church, (out of which booty he could not afford, it seems, to devote any permanent subsistence to the ruined Catholic clergy, but let most of those who did not abjure their principles—parish priests, monks, friars, nuns—perish or famish; though he falsified the coin, and thereby robbed his people; notwithstanding, in fine, these and other advantages and cheatings, this king left an empty exchequer to his successor: nay, the latter even began his reign encumbered with his father's unpaid debts and unfulfilled obligations.

We conclude our particulars, perhaps already too long, of Henry's reign (which finished by his miserable death, January 28, 1546), with recording that an act was passed near the end of it (27 Hen. 8, cc. 10-16) for the correction of the abuses engendered by the "statute of uses," through the operation of which, "when any one had to sue for land, he could not find a legal tenant; creditors were defrauded; and the king and great lords were defrauded of their seignorial dues."\*

drawn from the Russell metropolitan property—the *Convent*, or *Covent* Garden, &c.,—is itself equal to the revenue of a principality.

\* The want of a proper system of registration of real property, inferrible from all this, has not been obviated to this hour; a defect exceedingly convenient to dishonest landlords, and to legal conveyancers, but hurtful to all other persons, especially the best lords of the soil them-

In 1544, Alderman Read, of London, was pressed, and sent for a common soldier to the English army in Scotland, for scrupling to pay an arbitrary benevolence laid on the city by the king. Persons of any rank were never pressed at that time; in fact, none could be legally so constrained, except for a criminal act.

In 1549, there was a revolt in the West of England, of the people against the "new nobility," who had got hold of the church lands in that region, owing to the oppression of the poor by the new owners. It was put down, and several persons executed, whipped, branded, &c.

The reign of Edward VI., Henry's only son and male heir, lasted till July 6, 1553, when he died of a decline. The "new nobility," as most of the titled Reformers were called, obtained a few gleanings, in this reign, of church spoiliations, which had been left by the active *harvesters* of Henry's time. The vagabondage which had followed upon the drying up the sources of sustenance for the poor caused by the suppression of the religious houses, got beyond all control in this reign, though in the last, many thousands of the houseless were disposed of by the gibbet; and we find a special renewal of enforced bondage upon the idle, countenanced by the Reformed legislature, as a means of reducing their number; we refer to the statute Ed. 6. c. 3, which enacted "That all beggars and idle people shall be *slaves* to them that apprehend them, unless they be impotent;

selves, the average value of which is thereby considerably depreciated.

*clerks*, (ruined Catholic clergymen) and *convicts* shall be slaves to any who shall take them up; the masters of such slaves to be allowed to put *iron collars* about their necks." Other statutes, oppressive or futile, passed in this "gentle" reign, prescribing the hire and hours of labour, and the prices of the necessaries and comforts of life.

We pass over the incidents of Lady Jane Grey's short involuntary usurpation, and observe that Mary succeeded to her brother, and reigned till her death, seemingly of a broken heart, November 17, 1558; when Elizabeth succeeded. The latter event was a joyful one for the "new nobility," as they had been, during the five previous years, kept in an agony of fear lest the church lands and property many of them held would have been restored to the old establishment, which Mary re-endowed as much as she could, having regard to rights of possession, doubtfully legitimated by a short prescription.

The English section of our sketches now draws to a close. In the devotion of the young nobles—Raleigh, Sidney, &c., to the female sovereign, and their desire of knightly distinctions in the wars of the "virgin queen's" reign, we find something of a more respectable kind of *chivalry* than among the feudalry of the middle and immediately succeeding ages.

When James I. came to succeed (March, 1603) he found a body of nobility and baronial headed clergy ready to receive him, of a far more submissive character than the feudalists and

chiefs of the kirk he left behind. And the Scotch feudalry, ever ready to fawn upon strength as to trample upon feebleness, became far more supple to him than even the English aristocrats. But they turned against his successor, when the latter obliged them to pay a small poundage upon the income of lands their ancestors tore from the old Church of Scotland, to endow a new establishment on a moderate scale; and their partisanship against him in the English civil wars, was the efficient though remote cause of bringing Charles to the block.

After the restoration of his son, an act passed (stat. 12 Car. 2. c. 24,\*) abolishing the court of wards, tenures *in capite*, knights' service, butlerage, prisage, purveyance, and other feudal incidents which were vested in royalty, and which had remained either in activity or unabolished :† to compensate the king for taking which burdens off the nobles and gentry, and which mainly concerned them, they *generously* gave the king a custom's revenue, to be levied on all classes. And thus closes the story of legal feudalism in England, with an act of injustice to the nation, which has never yet been sufficiently stigmatised.

\* This act left some of the roots of feudalism in our system of tenures, which send up evil shoots to this hour. (*See next article.*) Wardship or guardianship of the tenant during his minority, and controul of *maritagium* or right to marry, existed only in Normandy and England, and in a few parts of Germany.

† The "court of wards and liveries" was founded by Henry VIII. for trying causes respecting lands, &c., held by the king during the minority of the heirs of those who held of the crown by knight's service. Before this they were tried in Chaucery.

## SUPPLEMENT TO PART II.

## I.—ENGLISH FEUDAL TENURES.

THIS is a part of our task which we must treat very briefly, both from want of space for entering deeply into it, as well as from our doubts whether any writer but a jurist can deal properly with it. Whether we shall be able to instruct general readers in regard to it, the better initiated may doubt, but we can safely promise that, in no point, shall we misinform.

We take up our subject at the time of the Conquest, and cast aside all considerations of the Saxon tenures of land, about which we know very little that is authentic, or at least undisputed.—It is usually understood, that when William I. introduced or regularised the feudal polity in England, he established a custom, unknown on the Continent, of causing the sub-feudatories and vassals of the great barons to hold their lands from *him*, as well as to pledge political fealty to the new dynasty. We suspect that this double suzerainty was only imposed upon the tenants of the extensive crown demesnes, or "*terræ regis*" of Doomsday Book. The Norman barons who helped to win a kingdom, held their lands on *French*

feudal tenure; which was based on the vicious system adopted at the great council of the magnates of Western Europe, held near Maestricht, in the year 847, at which the three territory-partitioning monarchs, sons of Charlemagne, were present. It was there decreed in a capitulary (art. 2) that "every free man (meaning a member of the armed or ruling class) shall be free to choose either the king, or one of his vassals, for his liege lord." The adoption of this principle was at once a brain-blow at all centralised royalty, and a great cause of succeeding anarchy, political and social, in the feudal monarchies of Europe.

As a consequence, when William the Conqueror parcelled out the English territory, and assigned it in baronies to his Anglo-Norman nobility, he seems to have been able to secure only a temporary suzerainty over them and their vassals. The barons did, in effect, thenceforth become so many petty princes, so far as regarded the sub-feudatories of the land; and each chief castle or manor-house was the seat of a mimic court, in which all questions that arose regarding property were determined as absolutely as in the *aula regis*, or great hall of the king. We have evidence of the primordial nature of the relations between lord and vassal, and again between vassal and tenant, in the endless diversity of small but harassing feudal burdens which encumber the oldest estates, up to this very hour. No two sets of manorial customs, upon any lordship which was founded between A.D. 1066 and A.D. 1290, are alike.—



In the latter year, indeed, a law was passed (7 parl. Ed. I., st. 2), positively forbidding the creation of any more manors, *by the great barons or others*, in all coming time. The wise and great king who then governed England did not dare to intermeddle with what had been done by his predecessors and their chief nobles, but he effectually tied up the hands of his successors and the aristocracy from adding to the evil which his sagacity prompted him to abridge, though his power could not wholly abolish.

An intelligent writer on English history\* thinks the restrictive law above noted was passed because multiplied "subinfeudation went to deprive the king and barons of their rights to the incidents of reliefs, escheats," &c. It had a more important end in view, and an aim far more worthy of the great lawgiver who instituted it.

When Edward made a conquest of Wales, he took care not to introduce there the vicious English system of feudal tenures. What fiefs he did create, he arranged should depend upon the crown, both as remote *land* lord and as *liege* lord. But most of the Welsh territory still remained, as it is now, *allodial*; that is, unfettered by feudal ties. Had he been as successful in conquering Scotland, and bringing that feudalry-ridden kingdom within the pale of English jurisprudence, as ameliorated by

\* Mr. Wade. See two able articles on the present subject in the "Times," December 29, 1851, and January 1, 1852.

himself, he would not only have saved the effusion, in after times, of torrents of blood, but have fore-dated the grandeur of Britain among the nations of Europe probably by some centuries ; during all which time the northern country was kept abject, poor, and contemptible, by its accursed nobility ; the latter beguiling, the whiles, the wretched people, whom they bought and sold, betrayed and made tools and fools of, in every possible way, into the belief that they were an *independent nation*.

It may be news to some of our readers to be told that English tenures upon many of the old estates are in the same condition they were left nearly six centuries ago. In other words, that the lords of ancient manors are tied down by the restrictions laid upon them in Norman times ; that their tenancies are encumbered with the payment of many harassing feudal exactions, such as “ fines,” composition for “ admittances,” “ licenses,” “ heriots,” &c. When a copyhold\* passes to a new possessor, the latter is still

\* The term “ copyhold ” is not so ancient as our words would seem to imply, for no regular manor court *rotuli* or rolls were kept by the Norman nobles, few of whom could read such documents. Most of them made their mark, as our lowest vulgar now do, with the “ sign of the cross of Christ.” Hence the derivation of the word *signature*, improperly used in the sense of a *subscription* to a letter or document. Copyholds encumbered with heriots, &c. ordinarily sell, on the average, at two and a half years’ purchase less than freeholds. Some, being subject to a two years’ “ death fine,” &c. fetch much less. Copyholders, generally, have no parliamentary franchise. A case has been lately mentioned of a manor lord sending into the house of his deceased copyholder, and taking from the widow a painting of great value, as a rightful *heriot*.

pounced upon for one or more years' rack-rent, &c. The bad effect these shackles and impositions must have had, and now have, upon the progress of cultivation, and in reducing the value of real property is too evident to need commenting on.\* Very little of the plunder, it seems, goes to the landlords at all, but most, or all of it, to their stewards or attorneys.

The existence of *manor courts*, uninterruptedly, from times long past down to our own, betray one of the most prominent features of the Norman feudal polity. Modern copyholders are really the unconscious representatives, as well as successors, of the *villani* or *villans* who acquired the use, but not the full proprietorship, of small parcels of land from the Anglo-Norman barons.

“ *Villanage*, which was only another term for preceding bondage or *serfage*, was adopted as the name of the latter condition by the Norman invading chiefs, to whom the tillers of the land were transferred along with the soil, formed into so many fiefs, and reconstituted as *manoirs* or manors. For certain indulgences from the new lords, various quit-rents, heriots† &c. were paid; hence the rise of *copyhold* tenures, viz., holding estates by a *copy* only of the lord's *court roll*. Such estates as the [king

\* Another cause why English estates sell at a lower number of years' purchase than those of any other civilised country (not even excepting Scotland), is the want of a system of public registration.

† The *heriot trick* means taking the very best moveable out of the house of a dead copyholder, the moment his breath is out of his body, by the landlord, or his agent.

or] lords thought proper to grant free [of such incumbrances] were called freeholds."

"Soccage" tenure, referred to land granted on condition of the holder tilling his lord's glebe as well as his own. *Soc* men, or persons who thus used the plough soc were all subject to the jurisprudence of the lord's court, and liable to the customs of the manor, whatever they might be.

"Tenants of serjeantry," were persons who held lands of the king and great barons, by official services. Some singular tenures of this sort we shall notice by and by.

*Free-holders* were, of course, a different class from the preceding; but if their holdings in early times (when there were, in fact, very few freeholds,) happened to be small, they were really less free than copyholders; for they were exposed to feudal attacks, without having a claim to feudal protection. They, and the whole members of the community, were bound to defend the kingdom if attacked; and to arm, and keep themselves a-foot, at their own cost, during forty days, as a portion of "the king's host," or collective feudal array. "This duty was held so sacred, that no man of them could take holy orders without the king's leave."—*Dr. Truster*.

But the English kings seldom resorted to a *levée en masse* of this kind; they soon found themselves able to dispense with much of the attendance of the feudalry in their wars abroad, and government at home, by means of a regular stipendiary force.

The moral duties of the "vassals" of the crown to a feudal king, and those of the "sub-feudatories," so called, to their lord, are thus summed up by Mr. Hallam:—"It was a breach of faith in a vassal to divulge the lord's counsel; to conceal from him the machinations of others; to injure his person or fortune, or to violate the sanctity of his roof and the honour of his family. In battle—he was bound to lend his horse to his lord, when dismounted; to adhere to his side when fighting; and to go into captivity, as a hostage for him, when taken."—" *Hist. Middle Ages*," &c.

*Territorial Investitures*.—Turning over land and houses to a new owner were accompanied with some remarkable circumstances, in times when charters were little known among an unlettered people. One custom continued to a late period, of giving the steward of the transferrer a pair of gloves.

In France and in Scotland, *moot* or *mote* hills, or rather hillocks, were formed, near the seat of sovereign power (as in a spot outside of old Paris, and at Scone, in Perthshire), from the handfuls of soil transmitted by fief-holders, in sign of vassal tenure. Reliques of the former remain on the site of the French capital, or are indicated in the names of some of its localities, to this day.

*A few examples of singular tenures*.—The Nigel family holds, or did hold, their land at Bemwood, Bucks, in right of the *Borstal Horn* given to their ancestor by Edward the Confessor.

King John gave several lands, at Kepparton,

and Atterton, Kent, to Soloman Attefeld, on the condition of holding his Majesty's head should he be sea-sick. By a deed extant among the public records, it appears that a descendant of Attefeld's was actually called upon, in the time of Edward I., to perform this duty of royal head-holding.

William, Earl of Warenne, Lord of Stamford, in the time of the same king John, while standing upon the castle walls, saw two bulls fighting in the castle meadow, till the butchers' dogs pursued one of the bulls (maddened with the voices of the multitude) quite through the town. The sight pleased his lordship so much, that he gave the castle meadows for a common field to the town butchers, after the first grass was mowed, on condition that they should find a *mad bull*, the day six weeks before Christmas every year, for the continuance of that *noble* sport for ever.

John de Roches held the manor of Winterslew, Wilts, on the easy tenure of serving the king with a pitcher of claret, drawn from the royal cellar, every time he came to Clarendon.

The estate called Pollard's Lands, at Bishop Auckland, Durham, also the manor of Sockburn, are held by the tenure of presenting a falchion to every new bishop, "in memorial of one Pollard having slain, of old, with a falchion, or crooked sword, a venomous serpent in these parts."

A farm at Brook House, Piniston parish, Yorkshire, was held on condition of presenting



to the lord of the manor a snow-ball in midsummer, and a red rose at Christmas.

Certain benefits are secured to the townsmen of Yarmouth, on condition of sending pasties of herrings, when they newly come in, to the Sheriffs of Norwich. And some lands near Yarmouth are held on the tenure of sending some new herrings to the king, wherever he may be living.

The Manor of Worksop is held on condition of performing certain frivolous offices of "petty serjeantry" at a coronation. A form of feudal-fashion service instituted in England (the latest instance but one), was that which arranged that the family of the great Duke of Marlborough, to prove their title to the Blenheim property, should present a flag to the monarch on every anniversary of that battle; and the last of all, was that of our own day, with regard to the Wellington property, and the battle of Waterloo: the Duke of Wellington and his heirs being bound to present, at Windsor Castle, a new tri-coloured flag, on every return of June 18, in all coming time.

As one anomaly in the system of English landholding we may instance the law of *gavelkind*, (long known in Ireland, also, as *tanistry*,) which was introduced to England in some parts of the Saxon territories, especially Kent, where the first regular Saxon settlement took place. "By the custom of 'gavelkind,' upon the death of any one, his land was divided among all the males of his family, legitimate or not; and after partition made, if any of the

family died, his portion was not shared among his sons, but the chieftain, or lord superior, made a new partition, at his discretion, of the deceased among the surviving brothers.”—*Dr. Trusler*.

*Entails*.—This is a branch of our subject which we can but barely name here; it would require a long and strong chapter to itself. We merely say, in brief, that the system of entailing was a dishonest device for vesting the whole real property of the country in a limited number of families, to the end of time; and while it left the rest of mankind landless, also defrauded them of their movable substance if they lent any of it to heirs of entail. The statute 13 Edward I. c. 1. *de Donis Conditionalibus*, or “law of substitutions,” was a blot upon his otherwise equitable jurisprudence. Laws of entail have always been passed, in the legislature of every country where primogeniture subsists, in favour of eldest sons by majorities of eldest sons, legislatively cheating all others, males and females, out of their natural rights, under the abused forms of law.

## II.—CONDITION OF THE PEOPLE OF ENGLAND DURING THE MIDDLE AGES.

WE should think this division of our work would be incomplete, were we not to append to our historical sketches of the doings of the English feudalry, some accounts of the effects they had upon their slaves and *victims*; namely, the great body of the early people of England.

And as we find this exceedingly well done to our hand, in an excellent article which lately appeared in a popular periodical,\* we shall take the liberty of making a few extracts from it :—

“ As the learned have refused to write the annals of the poor, the labouring classes have not had the power to do it for themselves. . . .

“ During the middle ages, the people in England were divided into several classes ; some enjoyed a few political privileges, and others existed only in a state of partial servitude ; but the great mass of the people in the earlier ages were reduced to absolute vassalage. Nearly the whole body of the English peasantry were slaves ; and the Saxon and Norman slaveholders rivalled the Egyptian task-masters in the misery which they inflicted upon their bondsmen. They were even bought and sold like cattle of the field, and were usually enumerated as part of the live stock of an estate. Thus, in the reign of Henry III., Walter de Beauchamp, in granting certain land, assigned with it “ Richard and all his offspring ; ”† and even as late as 1317, we find that one Roger Felton conveyed to another, certain lands, with all their lands, their chattels, and progeny.‡—During the dark ages, the slave trade in England was one in which the nobles, and even the clergy, engaged. An old historian thus describes the horrors of that unholy traffic :—“ Directly opposite the Irish coast,” he writes,

\* In the “ Leisure Hour,” No. I., pp. 4—7.

† Madox, *Formulare Anglicanum*, p. 188.

‡ Ibid, p. 315.

“from a place called Bristol, frequent excursions are made by the English into Ireland, carrying with them whole cargoes of slaves which they had bought up in England; these they expose for sale. You may behold young women in a state of pregnancy, and whole rows of wretched beings of both sexes, fastened together with ropes, like cattle; many adorned with beauty, and in the bloom of youth, are daily offered to any who choose to buy.’\* The nobility were not ashamed to engage in such speculations; even ladies of title and wealth embarked in the trade. Githa, the daughter of Canute, purchased whole companies of English slaves, and sent them into Denmark to be resold at a profit.†

“A great lady’s confessor ordained, that if she beat her slave without good cause, so that she died beneath the lash, the lady should do penance by refraining from meat on certain days.‡

“It appears that the condition of the working classes, after the Conquest, was slightly altered. They were still treated, it is true, with the utmost contempt, and the Norman nobility manifested no spark of compassion or Christian love towards their serfs. They scourged, taxed, and imprisoned them, and insulted their wives and daughters with impunity. Yet, in the depth of his misery, the bondsman acquired some few privileges. The

\* *Anglia Sacra*, tom. ii. p. 258.

† *Wm. Malms. b. ii. c. 13.*

‡ *Egbert’s Pœnitential*, lib. ii. c. iv.

more ancient practice of merely supplying him with a scanty share of coarse food in return for his labour, was in many places abandoned for a payment in money ; he was allowed to rent and build tenements, and carry on trade for himself ; but he was not allowed to leave the domain of his feudal lord to follow his avocation in another part of the country. As compensation of the duties of servitude, his legal master levied exorbitant taxes, and levied many irregular tributes. But this change ultimately proved advantageous to the working classes ; they amassed property, and even became wealthy ; they combined, and sometimes placed themselves in a position to render a refusal of their prayers dangerous on the part of the feudal lord. ‘ Yet,’ as a Norman writer says. “ if all the gold of this world was his, the villan would be a villan still.”\* Whether peasant, mechanic, or tradesman, he was *still a slave* ; the few privileges thus enjoyed were not the result of any legislative enactment, and the law empowered the master to do as he pleased with his own slave. But the produce of taxation was found more abundant than the produce derived from their manual labour ; and bitter are the complaints of the working man, in the ballads and fables of the middle ages, against the oppressive taxation of the feudal lord.

“ Ecclesiastics were among the slave-holders ; but the benign influence of Christianity, though too often resisted, excited a compassion towards

\* Jubinal, Jongleurs et Trouveres.



the poor serf which rendered his bondage in the service of the churchman less oppressive than under a secular lord. Yet the love of riches was too often stronger than charity. Archbishop Egbert told the Saxons that no abbot or monk could bestow freedom upon a slave, "for it is impious," he exclaims, 'thus to damage the Church !'\*. The monks even accepted slaves as religious offerings, instead of money. Hugh gave to the Abbot of Selby a serf named John, with all his chattels and family, that he might receive the monastic blessing.† Slaves are frequently mentioned among the grants to churchmen. Wulfgar gave to the Abbot Alfere the lands of Forcesford, with all the produce and slaves belonging to it. Ingulphus has preserved a charter of the time of Edward the Confessor, in which Theobald, a knight, gave to the monastery of Croyland, the manor of Spalding, with its woods, tenements, and the whole of the slaves thereon, *with all their families*. 'Domesday Book' makes frequent mention of slaves as among the possession of abbeys; and an old manuscript record is preserved, by which we learn that one Seivine bought of John, Abbot of Bath, Sydelflæda, his slave, for five shillings. In the middle of the thirteenth century, the Abbot of Buerne sold 'Hugh the shepherd for four shillings, and about the same time the abbot bought another slave of Matilda, the widow of John the physician.'

"In times of pestilence and famine, the poor

\* Johnson's Ecclesiastical Canons, i. p. 740.

† Madox, Form. Angli. p. 418.



freedmen would sometimes sell themselves into slavery. A manuscript in the British Museum, relating to the church of Durham, records that a lady named Glætfleda granted freedom to several serfs whom she had taken for their food in days of famine.\* Many obtained their manumission at the hands of the pious. Christianity has always been the friend of the oppressed, and in proportion as her presence has been honoured, so has a nation grown in liberty. Through her influence in the dark ages, many a working man, born in servitude, received his freedom, had his children restored, and his home made happy. Those thus released from bondage were termed freedmen, but their condition was little superior to the villan; they laboured as hard, were taxed as heavily, and treated with as much contempt by the freeborn; *but they were not slaves*. It often happened that a father was made free, but the wife and children remained in slavery; or a son enjoyed liberty, whose aged parents were in a state of bondage. Many and affecting were the struggles of poverty in such cases. On the covers of some ancient bibles†—fit repositories for such records—have been found brief but expressive memorials of the efforts of these poor freedmen to rescue their relatives from that condition from which they had themselves emerged. These memoranda tell how Eldric of Fordham bought his daughter of Alfsige, Abbot of Bath, and restored her and

\* MS. Cottonian. Brit. Mus. B. vol. fol. 98.

† Bath Gospels, Leofric's Missal and the Exeter Book.

her children to freedom ; how Sæwi Hagg redeemed his two sons ; how Godwin the 'Pale' liberated his wife and children for fifteen shillings ; and how another named Agelsig, purchased his son's liberty for sixty pence.

“ How full of life are these brief notes ; how far more impressive than histories blazoned with the deeds of chivalry ; how significant the contrast which they present to the eulogistic charity of the Mediæval Church ; and what a dark and gloomy picture do they present of the condition of the working man in those ‘good old times.’

“ But even if a man obtained his freedom by purchase he was not safe, and the powerful would sometimes attempt to again reduce him to servitude. ‘The Exeter Book’ records an instance of such oppression. Liveger, a freman, an honest baker of Exeter, bought of Bishop Godfrey, who was then lord of Clist-land, a female slave named Edith, daughter of Godric the Saxon. Having made her free, he married her. A few years passed on—the bishop died—and Clist-land became the property of another lord, named Hubert, who claimed the emancipated slave as his property. The baker refused to give up his wife, and the lord brought an action against him ; but it having been shown that thirty pennies had been paid, and the act of manumission entered in the Church Bible, Hubert lost his unjust action.\* Instances might be produced of much later

\* Exeter Book, fol. 4.

date ; thus John, Abbot of Peterborough, in the year 1117, recovered by law two slaves, named William Lickadise and Leofric his uncle, with all the possessions which they held in the village of Castre;\* and a manuscript in the British Museum, recording the good deeds of Michael, Abbot of Glastonbury, mentions as one of his meritorious actions, that, finding at Brentmaris thirty-two poor peasants in a state of freedom, he reduced sixteen or more of them to slavery, and strove to reduce the others to the same condition, but was unable to do so *because of their powerful friends* !† Abbot Michael knew little of the pure and holy precepts of Christian duty, and he remembered not ‘them that were in bonds as bound with them ;’ yet this oppressor of the helpless is one whom the monkish annalist warmly applauds for his munificence and charity to the poor. Even as late as the year 1347, the Bishop of Ely made a complaint that two slaves or villans belonging to his church had by illegal proceedings endeavoured to obtain their freedom, and he petitioned for power to again secure them.§ Innumerable examples of this same spirit occur, which prove that, although the words of the ecclesiastical canons were sometimes merciful, the precept was not always strengthened by practice.

“ Where services of labour were demanded instead of a tax in money, the condition of the working man was doubly oppressive. Nearly

\* Steven’s Continuation of Dugdale, vol. i. p. 475.

† Rolls of Parliament, vol. ii. p. 192.

the whole of the peasantry, however, were in this condition, and it was the mechanics and small tradesmen who formed the more fortunate class. Shepherds, ploughmen, and cowherds, laboured on the domains of their lord, and were regarded as appendages as necessary to an estate as a drove of oxen. In the 'Colloquies of Ælfric' we have some account of their duties and occupations. The shepherd thus speaks of his labour:—'Early in the morning I drive my sheep to their pasture, and stand over them in heat or cold, with the dogs to guard them from the wolves. I take them back to their folds, erect fences, and make cheese and butter, and I am *faithful to my lord*.' The cowherd says:—'I lead the oxen to the meadows, and all night I stand watching over them. I guard them from thieves, and in the morning I take them to the plough, after properly feeding and watering them.' On the ploughman being examined, he thus gives an account of his occupations:—'I labour excessively; when day breaks I immediately go out, driving the oxen to the field to yoke them to the plough. There is no weather so severe that I dare remain at home, for *fear of my lord*. Having yoked the oxen and fastened the share to the plough, I am expected to plough a whole field or more as a day's work. I have a boy who is now hoarse with cold and shouting. I fill the bins with hay, water the cattle, and carry out the soil.' He is asked if he deems this a great labour, and the poor bondsman pathetically replies:—

‘ Yes, truly, it is a great labour, *because I am not free!*’\*

“ The laws of the middle ages deprived the villan of all legal power. He could institute no civil action, he could make no appeal against the violence of his lord, and his testimony was not received as evidence in a court of justice. The state only recognised the rights of the slave inasmuch as they affected the interests of the master. Thus, if a freeman killed his slave, he had merely to pay a small fine to the king for a breach of the peace; but if a freeman killed the slave of another, he had to pay, in addition to the fine, an amount to its owner, equal to the value of the slave. This was called, in Saxon times, *man-bote*, or man price. If a slave murdered a fellow slave, the master decreed the punishment; but if a slave killed his owner, he was to suffer death.

“ The greatest boon conferred upon the labouring classes was bestowed by Christianity. Previous to the year 688, the Saxon slaves were compelled to work the whole seven days of the week without intermission. Good men looked with compassion upon the poor serfs, and remembering that in six days work may be done, but the seventh is the Sabbath of rest, holy to the Lord, they obtained a remission from labour on that day by legislative enactment; and it was decreed that if a lord compelled his slave to work on the sabbath, the bondsman might demand his freedom. This privilege was ratified by succeeding laws.

\* Ælfrie. Colloq. Thorpe's *Analecta*, p. 192.

“ It was not until after the Reformation that the English peasantry rose out of their degraded position. The institution of slavery, although never legally abolished, was, soon after the wars of the Roses, virtually at an end. The labouring classes became too powerful to be fettered with the bonds of servitude, and the barons were too weak to enforce their ancient prerogatives. Yet this nobility regarded the working classes, especially those employed in agricultural pursuits, with a feeling of bitter contempt. A law, passed in the seventh year of Henry IV., was evidently framed to depress the spirit of the country people, and prevent them from rising out of the condition in which they were born. It was an effort to retain to the landed proprietors the advantages of vassalage, after vassalage had fallen into disuse.[?] It forbids the rustic parent to apprentice his children to any trade, or handicraft, ‘ unless he have land or rent to the value of twenty shillings by the year at least.’ An infringement of this arbitrary enactment incurred a whole year’s imprisonment.”\*

\* “ In 1574, Queen Elizabeth commissioned Lord Burleigh and Sir Walter Mildmay to inquire into the property of her bondmen in Cornwall, Devon, Somerset, and Gloucester shires, and made such as were born BOND compound for their freedom.”—*Dr. Truster.*



## PART III.

## FEUDALISM IN FRANCE.

## A FEW PRELIMINARY NOTICES OF EARLY FRENCH HISTORY.

THE first kingdom, or rather chieftdom, founded in that large portion of ancient Gaul afterwards known as France, and which succeeded to the Roman domination there, was the royalty of Chlodoveck (Clovis), which began A. D. 507. Society was then, and long afterwards, composed of a limited governing class and a motley mass of camp followers, serfs, and slaves. At the head of the ruling few—called *leudes*, or “land-endowed,” with the *anstrustions*, or “faithful comrades,” really or nominally stood the king, of whom the latter were, at first, the chief companions-in-arms. The action of the king over his *leudes*, the principal chiefs among whom were afterwards called dukes or counts, could only be indirect; otherwise it was sure to be fiercely resisted. He was, indeed, called the lord-paramount, and really was so, within his own allotted territories, denominated the royal domain; but, on other lands, his authority

was null, he being only titularly considered "primus inter pares," *first among equals*. His title, such as it was, and his powers, thus limited, were permitted to be hereditary in his family; but this did not necessarily descend in a *direct* line; for even royal successions in the French dynasties were changed several times.

Such a distribution of power necessarily involved almost entire anarchy. Chiefs fought against chiefs, leaders against leaders; sometimes parties of them warred for, at other times against, the feudal king; and the whole country was desolated by each in turn.

Clovis first appeared upon the scene as a warrior of mark, A.D. 481. He defeated the Romans at Soissons, in 486; and the Allemans, or Germans, &c., at Cologne, in 496. The same year he became a (very doubtful) Christian. In 507, he defeated the Goths at Poitiers, and killed their famous chief Alaric; following up his successes, he conquered all the French southern territory, from the Loire to the Pyrenees, and made Paris his capital.

The Merovingian, or first dynasty of the Franks, lasted till A.D. 752, when Pepin II. le Bref (Short), son of Charles Martel (the latter so surnamed because he was the *Hammerer* of the Saracens), became the first king of the second race, or *Carlovingian* dynasty of French monarchs. The latter kings of the first race had given up the reins of power to their "mayors of the palace," or *majores domûs*; and Charles Martel was no less the real ruler of France, though not called king, than his son

and grandson who wore the crown. The latter was the celebrated Karle, or Karole the Great (Charlemagne), who on the decease of Pepin II., in 762, became King of France (proper); and at the death of his brother Carloman, in 772, was owned as lord of all those dependent territories which had been assigned by their father to the latter. By the year 800, Charlemagne, having conquered a great portion of Western and Southern Europe, was proclaimed as the "Augustus," or Emperor of the West, at Rome; and crowned afterwards as such, at Aix-la-Chapelle. Under this potentate, the sole great monarch of the middle ages, the Frankish domination attained a high degree of splendour; but not being founded on the solid basis of national institutions, and owing its strength only to the arm and mind of its chief; the empire of Charlemagne, we say, in spite of great ameliorations, social, moral, and political, effected in its institutions, from year to year as long as he lived, fell to pieces soon after his death, which took place at Aix-la-Chapelle; Jan. 28th, 814.

It falls not within the scope of this little work to follow up the events attending the turbulent reigns of the sons and immediate successors of Charlemagne, for very few incidents regarding our immediate subject are extractable from the annals of their barbarous times. After a severe struggle for empire by Pepin, Karl-le-Chauve, Hlovigh-le-Germanique, and Lothar, sons of Charlemagne, they met at Verdun, in 843, and divided their father's ter-

ritory among them. Karl, by this treaty, became King of Western France, then bounded by the Rhône and Saône, the Rhine and the Scheldt. In a meeting of the *states*, or feudal council, of the triple empire, held at Maestricht, the three surviving monarchs (Pepin was now dead) being present, it was enacted, with or without royal concurrence, "That every free man might choose either a king or great vassal, at his own discretion, to be his suzerain," or lord paramount. By this strange article, monarchical power was of course virtually rendered null, so long as it subsisted in full force.

Upon the death of the German emperor, Louis II., A.D. 875, Karl le Chauve succeeded to the imperial throne. In 877, he held a great council at Quierzi-sur-Oise, at which was promulgated a famous capitulary, in which some historians find, as they think, the first law recognising fiefs to be hereditary. Karl was poisoned by a Jewish physician, A.D. 877. He was succeeded, in France, by his son, Louis II., or Hlovigh, *le begue*, or stammerer. During this and the succeeding reigns, the Normans many times invaded and made fearful ravages in France, even besieging Paris, the road to which by the Seine lay temptingly open to them. Charles III. (surnamed the Simple), whose reign over parts of France lasted from A.D. 893 till 923, finding himself unable to make head against the Normans, the French feudal barons having left him with almost no substantive power, in 911, ceded the province of Neustria to the invaders, in hopes that they

would leave the rest of France in peace. Rollo, their pagan leader, agreed to be baptised and espouse the daughter of Charles. The territory thus secured to Rollo and his heirs was new-named, and from being Neustria, became "Normandy." This cession, with other causes, led to the fall of the Carolingian dynasty: it began in splendour, it ended contemptibly, in Louis V., surnamed the *Fainéant*, or "Do-nothing," in 986-7.

Rollo the Dane meantime adopted, in his system of polity, the feudality of the kingdom into which he had intruded, as the readiest way of rewarding his followers, and perpetuating in a secure, though limited form, hereditary rank and power in his own family. The conquest of England by the Normans, whose chief truly became a king, broke the equilibrium between the heads of the French feudality. "William and his immediate descendants," says M. Sismondi, "gradually extended, until A.D. 1179, their domination over more than one half of France; and although it was not they who bore the titles of Kings of the French, it may be easily imagined that, in time, the rest of the country would also pass under their yoke.—Philip-Augustus and his son, during the last forty-six years of the same period, re-conquered almost all the *fiefs* which the English king had united, brought the other great vassals back to obedience, so far as fealty is such; and changed the feudal confederation that had domineered, almost independently, over France, into a monarchy which incorporated the Feudal System into its institutions."

“ Under the first race, the lords had rarely fortified their habitations, or demanded permission to do it, because the Germanic people still preserved their hatred for walled enclosures, and their contempt for those who made use of any advantage in battle. These permissions had rarely been granted under the second race, as long as any of the emperors possessed authority to refuse them to their nobility, of whom they were mistrustful. When Louis the Stammerer, in as feeble health and mind, as stripped of influence, could not resist the usurpations of the grandees, from whose hands he received as a favour his father's crown, all was changed in the manners, opinions, and military system of the state; the rich proprietors, on fortifying themselves, at first thought of their security, soon of their strength; ambition took in their hearts the place of cupidity, the possession of vast countries, which until then they had considered only in relation to their revenues, became a means of infinitely augmenting their power; they again began to distribute their lands in numerous lots, under condition of military service. The permission to fortify themselves, which they had quite recently wrested from the monarch, they granted in their turn to their vassals, and castles were raised by thousands around the fortress of a count, or chief of a province. The families of the knight-hood multiplied with a rapidity almost prodigious; the nobility sprang up, as it were, all at once, from the middle of the ninth to the middle of the tenth century, and the fable of



Deucalion and Pyrrha seemed, for the second time, to receive an allegorical explanation. France, in authorising the building of the fortresses, sowed stones upon its fallows, and these sprang forth armed men.

“During almost all the existence of the second race, these great lords had constantly laboured to break the ties which attached them to the crown. They put themselves in possession of their governments by hereditary right, oftenest without consulting the king, without taking the oath of fidelity to him, without paying him any fine, and without furnishing him any troops ; they at most placed his name at the head of their acts, to show that they did not spring from the German emperor. But these men who sought to free themselves from the royal power, endeavoured on the contrary, to tighten the feudal tie which united them to their own vassals. They had divided their counties or duchies into great divisions, which took the name of private counties or viscounties. They generally distributed them among their children : for since influence and power was attached to numerous families, each father was seen to bring up a great number of children, each son to marry in his turn, and each male to have a part in the heritage. Solely to preserve the union of families, all the younger brothers held their portion of the paternal heritage in faith and homage of their eldest brother. They, in their turn, distributed baronies, and the barons service fiefs to their youngest sons, and to the men-at-arms who devoted them-

selves to their fortune. The same contract was repeated to the very lowest degree in the feudal scale, as far as the knights who, having nothing more to divide, lived in common in a strong place, sometimes in an ancient ruin of which they had made their citadel, as the knights of the Arenas of Nîmes, of which mention is often made in the history of Languedoc.

“In those times no great lord disdained to receive from a prince, less powerful than himself, a fief which suited him, and render to him faith and homage for that fief. Between two knights, one was often the lord of the other in one land, and his vassal in another. The count often, after having received homage from the viscount, paid him homage in his turn for some barony which he received from him, and which formed a part of that very viscounty. The kings themselves did not disdain to hold, in their turn, lands in the dependence of their subjects, and the oriflamme become the standard of the kings of France, was only the banner of a barony, for which those kings were vassals of the Abbey of St. Denis.”—*Sismondi*.

#### ORIGIN AND DEGREES OF FRENCH NOBILITY.

“WE need go no farther back than the times of the Franks,” says M. de Chateaubriand, “to seek for the earliest progenitors of the oldest of our present noble families. Equality reigned, at first, among the freemen of that people. Their military dignities were elective: the chief, or king, called about him his *fideles*,

or companions, his *leudes*, and his *anstrustions*. The title of *leude* was personal; hereditary rank was unknown to the early Franks. The *leude* was, of right, a member of the great national council, and of the sort of court of appeal in high justice, which was presided over by the king. The members of the earliest order of Frankish nobles, if an order it could be called, mostly perished in the battle of Fontenai, fought between Charles the Bald and his brothers, June 25, 841.\* Other Frankish chiefs soon took the place of those who had been exterminated in the civil wars of that time, and usurped, or received in donation, the castles and provinces confided to their care. From this second race of Frankish nobility sprang the first French hereditary nobles. The latter, according to the quality and importance of the fiefs held by them, were divided into four classes: 1. The great vassals of the crown, and the other lords who, without ranking as great vassals, held fiefs immediately under them; 2. Those who held banner-fiefs, or those involving a right to command an army; 3. The possessors of hauberk-fiefs, *i. e.* a tenure by knight's service, binding the holder to serve on horseback in complete armour; 4. The possessors of esquire's or low fiefs. To sum up all

\* "After this event, the belly (*ventre de la mère*) of a noble woman, was allowed to ennoble those it bore.—Maternal nobility was called *uterine* or *customary*. Its validity was attacked in France, as early as A.D. 1566; though it was not formally disallowed till the year 1750."—*Le Chevalier F. de Tapiès*.

—there were four degrees of nobility: the nobles of royal blood, high nobles, ordinary nobles, and noblesse or gentry. Military service introduced among the noblesse the distinctions of chevalier or *miles*, and esquire—*servitium scuti*. The French nobles abandoned, in course of time, their greatest privilege, that of exercising jurisprudence in their courts. There were estimated to be in France, at an early time, 4000 families of nobles and landed gentry (*noblesse*), who could furnish among them 100,000 combatants. These were, properly speaking, the free military population of the kingdom. The titles of the nobles, in bygone days, were not hereditary, although distinguished blood, aristocratic privileges, and right to succeed to property were so. We find that, by the Salic law, the relations of a new-born child usually assembled on the 9th day of its age, to give it a name. Thus, Bernard the Dane was ‘the father of Torfe, who was the father of Turchtil, who was the father of Auchtil, who was the father of Robert d’Harcourt.’ The hereditary name here, as we see, does not arise till the fifth generation. The right of bearing *arms* and wearing *armorials*,\* conferred the rank of noblesse. A noble convicted of cowardice lost his nobility. It was

\* The surest distinctive marks of nobility were, in all ages, the special armorials of each knight. In fact, a warrior incased in armour, from head to foot, could show his rank only by the arms blazoned upon his buckler. The plebeian warrior, having no pretension to be a man of note, was *clypeo ignobilis albo*.—LAWRENCE: *Dict. Brit. Peerage*.

put in abeyance for a poor noble who, to recruit finances, followed a profession which was not of a degrading character, for a time. Filling certain high offices in the state conferred nobility; but the charge of high chancellor, one of the most important, was long *en roture* (did not ennoble). In some provinces *le ventre* ennobled; *i. e.* the mother transmitted nobility to her progeny, rather than the father. *Les magistrats* (*échevins*) of several cities became nobles *ex officio*; and such were called '*bell noblesse*,' because magistrates were called together by sounding a bell. An alien noble, naturalized in France, preserved his nobility there, whatever it was. The nobles took titles according to the nature of their fiefs. All titles of rank, used in France, with the exception of *baron* and *marquis*, were of Roman origin; as *duces* or dukes, counts, viscounts, vidames, chevaliers, &c., when they possessed duchies, marquises, counties, viscounties, or baronies. A few titles of nobility appertained to names independently of fiefs.

"Among the privileges appertaining of right to all nobles and gentry were these two:—1. Freedom from personal tax (*taille personnelle*), except when more farms than one were kept by each in his own hands; 2. They were not liable to have soldiers billeted upon them."

This last immunity, in times when there were no barracks, and the soldiery were but a kind of licensed robbers, was an important privilege. The nobles and gentry had other rights, which varied in different localities.



“The nobles distinguished themselves by wearing armorial emblems; these began to multiply greatly in the times of the Crusades.— Nobles usually bore a hawk upon the fist, both in the chase and in war, as a distinction of their rank.

“The first formal letters of nobility were given, in 1270, by Philip III. (the Hardy) in favour of one Ralph the royal goldsmith; yet, similar ennoblings of men of the *roturier* (plebeian) class were known in the time of Philip Augustus. Charles V. ennobled all the burgesses of Paris, and their posterity, by an edict. Succeeding kings confirmed this wholesale act; but Henry III. abridged it in 1577, and confined noble privileges to the richest of the merchants and the *echevins* (city magistrates). It was altogether suppressed in 1677; but renewed in 1707, and again 1715-16.

“Before the ordinance of Blois, issued in 1579, a *roturier* (plebeian) who bought a noble fief, became noble through the ownership; but by article 268 of that edict (issued by Henry III.) the privilege was suppressed. The military profession, as we have seen, ennobled those who exercised it; nevertheless Henry IV. by his edict of A. D. 1600, declared that it should cease to confer nobility of right; decreeing that it should have perfectly ennobled only the persons of those who had borne arms after the year 1563; *i. e.* reckoning from the breaking out of the wars of religion in France. However, Louis XIV., to show the consideration in which he held the profession of arms, renewed



its privilege of ennobling by an edict in 1670 : he was then trying to become the dictator of the Continent, and naturally wished to exalt the warrior's profession. After that time, nobility and gentility passed to children by hereditary descent."

*Gentlemen.*—The qualification of "gentleman" (*gentilhomme*) which was and is of vague signification in Britain, was in France, under the old regime, the proud distinction of a highly born noble ; in contradistinction to a man who had become so in right of a high office, or in virtue of letters of nobility granted to him personally ; but the children of such, when royally-imparted nobility became hereditary, descended to his heirs, who then became *gentilshommes* and *gentilsfemmes*, and all their descendants too. But the progenitor, as we have intimated, though a noble, was not necessarily a *gentleman*.

There were, in France, *gentilshommes de parage* ; that is, those who were noble by extraction, or gentle by the father's side : any of these might be made a knight (*chevalier*), contrariwise from him who was noble by extraction, or a gentleman through being son of a *gentilfemme* and a plebeian (*vilain*) father ; the latter was in so far a gentleman, and could hold fiefs, but could not attain to knighthood (*chevalerie*). These were also gentlemen of the lower *parage*, in whom noble blood was more mixed with plebeian than in the preceding case.—(*Art de Verifier les Dates.*)

"Francis Hotoman, the author of 'Franca Gallia,' published in 1574, asserts that the first

hereditary titles of nobility granted in Europe were given by Hugh Capet, in the year 987, to his magnates ; as expecting thereby to confirm himself in power by making permanent those revenues and privileges which were temporary before. . . . The custom of granting nobility by patent, or title not based on landholding, was very profusely used in France up till the year 1791. Between the years 1349 and 1788, there were accorded an immense number of patents of nobility to different families ; and it was found in the year 1730 that five thousand two hundred and sixty-eight titles, territorial and patent, had been granted, under the various dynasties of the old *regime*, between A. D. 1000 and the latter year.

“ There were three distinct ascending degrees of nobility previously in France ; namely, the ennobled men, who first acquired nobility, the nobles who descended from the ennobled ; and the *gentilhommerie*, or thoroughly ennobled, who being noble in the third or supreme degree, were those hailed as chief senators before by the Romans as *patre et avo consulibus*. There were again four subordinate kinds of French nobility ; namely, 1. The chief, after the territorial ; viz., nobility of the sword ; 2. That of the *robe*, or head magistracy, conferred by holding high office ; 3. That of finance, usually bought with money ; 4. The noblesse, (or gentry) who bore no distinctive title as nobles, but composed the recognised *genteel* class of the community.

“ When Louis XVI. became king (May 10,

1774) titles had been usurped to such an extent, that an ordinance appeared interdicting all nobles from being presented at Versailles, who could not prove a nobility of four hundred years. The presentations once given, the party could ride in the royal coaches, accompany his majesty to the chase, and be present when the royal hounds were unleashed."—*Tapiès*.

The honours and advantage of the (*open*) "stool" or *tabouret*, were no less eagerly sought than the foregoing; and intrigued and lied for by the wives and daughters of the august old nobles. It involved the right of sitting upon an unbacked seat in presence of the king or queen; while all others had to stand, even though their legs failed under them.

"Between A. D. 1000 and 1730, it was ascertained (in the latter year) that no less than 23,052 seignories or territorial lordships existed, or had existed in France; but this total gives a very imperfect idea of the exact number of French nobles taking rank from them; for some lordships were as large as a province, while others only comprised perhaps a village and its environs. Then there were the great fiefs, and the sub-fiefs (*arrières fiefs*) *châtellenies*, &c., and sometimes one fief gave a title and privileges to several families."—*Tapiès*.

Under the old regime, no man, however distinguished for his learning or abilities, if not of recognised genteel rank at least, was safe from contemptuous neglect, or even overt insult, from even the lowest member of the French noblesse. Racine and Moliere were

both made *genteel* by Louis XIV., as much for their protection at court, as for their meriting honour through being the greatest writers of the age and country they lived in. Each would else have been "despicable," and his class designation, in law, would have been *bon-homme de la bourgeoisie*. Thus the gossiping courtier the Marquis of Daugeau (the Pepys of the time) records in his courtly "Memoires," under date of Oct. 5, 1684, that "news has been brought to Chambord of the death of Bonhomme (*goodman*) Corneille." And again, Aug. 28, 1694, he makes this entry: "The king has just brought here the king and queen of England (the dethroned James VII. and Mary of Modena) and caused them to sit for their portraits to the *goodman* Mignard." We need scarcely add, that the first "goodman" was *only* the greatest dramatist and most sublime poet of his own or any age; or that the second *gaffer* was a most eminent painter, certainly the greatest of French contemporary artists; though a far inferior man (Lebrun) held the leading place, as court painter, which belonged of right to Mignard.

At the time when the revolutionary "besom of destruction" swept away all titles and "seigniorial rights," (meaning the power of doing and profiting by privileged wrong,) there were about 365,000 individuals who conjointly formed the body of French nobles and *noblesse*, including 4,120 families of ancient lineage.

Napoleon, become emperor, created a new set of nobles. These, however obnoxious to

foreign countries, were less of a nuisance in their own than the preceding men of title had been. All their dignities were recognised as valid, after the Restoration of the Bourbons.— And the latter endeavoured, in 1835, by the law of *majorats*, or partial endowment of eldest sons, to lay the foundation of a revived territorial or monied aristocracy ; one motive being the desire to have at hand materials for keeping up an exclusive senatorial class for the *chambre des pairs*, or peers' house. Yet, according to that arrangement, only a *third* of the father's fortune was set aside for the eldest son ; and he shared the rest with his brothers and sisters. During the reign of Louis Philippe, the French peers, whose seats in the legislature had been made descendible to heirs by the Bourbons, was limited to the party's life ; when the Republic overturned the "citizen-royalty" in 1848, the House of Peers was abolished altogether.\*

\* We have given a more detailed account of the French aristocracy than of the English, because particulars regarding the former are necessarily less familiar than of the latter, to most of our readers. In the North of Europe, as in Germany, Hungary, Russia, Sweden, and Denmark, the titles of baron and count are inherited by all the masculine posterity, and even by single women. In Russia there are fifty barons for one count ; the title of baron is, in fact, held very cheap, also, in Germany. In Southern Europe, as France, Spain, and Portugal, the titles of duke, marquis, count, viscount, and baron, only descend to eldest sons. In Italy, the titles granted by the Emperor of Austria extend to every branch of the family ennobled. Titles granted by the pope, and the kings of Spain and Sardinia are confined to eldest sons ; but a family having a titled individual in it, is considered of noble rank in all its members. It is estimated that there are about 500,000



SOME HISTORICAL NOTICES OF THE CAPETIAN FRENCH  
KINGS, AS FEUDAL MONARCHS.

LOUIS V. having died without leaving any male offspring, Charles, Duke of Lorraine, his uncle, was, according to rule, the right heir; but Hugh (surnamed *Capet*, from his large head), Count of Paris, Duke of France, and of several great religious houses, forestalled the Duke of Lorraine's slow movements, by convoking an assembly of his vassals and feudal partizans at Noyon, whom he persuaded to proclaim him King of France. In this change of dynasty the majority of the great feudatories

nobles in Russia, and in Austria nearly 240,000 males, besides some female nobility.—*LE CHEVALIER DE TAPIES*. In our own day, serfage still continues in Russia; and the nobles or ruling classes there are the worst foes of the masses—the despotic monarch their best friend. The same may be said of the Polish people; also of the Hungarians, Servians, Wallachians, &c. All the pseudo-patriotic attempts at gaining “independence” in these countries, for nearly a century, have been simply revolts instigated by the nobles for a selfish purpose, and one most inimical to the general well-being; namely, to re-establish feudalism in opposition to a comparatively beneficent single despotism. The old royalty, or rather ultra-feudal system of Poland, before its partition in 1773, was the greatest nuisance on the face of the earth.

“Freedom shrieked when Kosciusko fell,”

says the poet; we very much doubt the assertion.—[We hope to be able to write the history of the aristocracies of Eastern Europe, especially the monstrous “kingdom of Poland,” at some not distant time; for our task of exposing feudalism, early and late, in many of its forms, can scarcely be half done in one small volume.]



were little consulted, and the nation, collectively, not at all. A civil war immediately ensued between the superseded duke and the king, in which the latter had the worst of it. But he found means, by corruption, to enter the city of Laon, in which the duke lodged; and, during the night of April 2, 991, he seized both him and his spouse, while in bed, and led them into close prison at Orleans. Here they died, probably by foul means, soon afterwards.

Having thus easily disposed of his rival, he had much greater difficulty to overcome the opposition of the chief fief-holders who banded against him, and waged civil war for some time, to the desolation of the country. Among them were, the Count of Flanders, the Duke of Aquitaine, the Duke of Normandy, &c. The Count of Perigueux, another of his opponents, and the legitimacy of whose title he disputed, being asked by him, "Who made *you*, Aldebert, a count?" replied to this question by another, "Who made *you*, Hugh Capet, a king?"

"In seating himself upon the throne of the French, Hugues Capet had counted especially upon his strict alliance with the Dukes of Burgundy and Normandy, the one his brother, the other his brother-in-law. The first, Henry, who governed Burgundy from the year 965 to the year 1002, is designated by the surname of Great, which undoubtedly distinguished him from some other Henry less powerful. The historians of Burgundy give him the title of

first proprietary duke, as if he had acquired over his duchy some rights which his predecessors had not. They should have remarked, on the contrary, that Burgundy was the province of France where the particular counts had best established their independence with respect to the duke.

“The Normans, established in Neustria for at least a century, had preserved all the vigour of a new nation. They had adopted the religion, the language, the laws, and above all, the feudal system of the French; but under these common characteristics, one always recognises their love of liberty, and their ancient independence. They pretended that their duke, instead of liege homage, owed the king only *ancestral* homage, which indicated hardly any subordination, and obliged no obedience. It is, however, probable, that this distinction was invented much later, in favour of the kings of England, who were dukes of Normandy. The chief of the nation thought less of holding his fief of the French monarch than by the choice of his people. When Richard the Fearless died in 996, very nearly at the same time as Hugues Capet, he was at the abbey of Fechamp, where, feeling overcome by illness, he assembled around him his principal Norman lords, and presented to them his son, Richard II. ‘Until this, my companions in arms,’ said he to them, ‘I have directed your forces (*milice*); but now God calls me, my illness redoubles in severity; I am about to go the way of all flesh, and you can no longer have me for chief.’ The lords, after

having testified their sorrow by their sighs and tears, gave their assent to the desires of the old duke, and swore fidelity to his son, the young Richard.

“ King Charles, the Simple, in abandoning to the Normans, Neustria, which they had devastated, had authorised them to go and seek a living in Brittany, which he regarded as inimical. He had ceded to them, he said, all his rights over that province, rights which he himself could neither exercise nor guarantee. The Bretons, differing from the French in origin, language, and manners, had sometimes obeyed the more powerful French kings; but they had soon hastened to throw off their yoke. When the feudal system gained more stability, the duchy of Brittany was regarded as a moving fief of that of Normandy.

“ The most powerful of the feudatories to the south of the Loire was William Strong Arm, at the same time Count of Poitou and Duke of Aquitaine. He had at first opposed the coronation of Hugues Capet, and had forced him to turn his arms against him from the commencement of his reign, though he had precededly given him his sister in marriage. But the Aquitains had the reputation of being the worst soldiers in Gaul, and William, in fact, after having made peace with Hugues Capet, would have probably shunned all hostility, if some quarrels in his own family had not exposed his subjects to the arms of his soldiers. The Count of Poitiers had espoused the pious Emeline, daughter of Theobald, Count

of Blois, benefactress of the convent of Maillezais, and no less distinguished, says a monk of that convent, by her ardent zeal for religion, than by the nobleness of her character. Whilst Emeline was uniformly occupied with directing the construction of the convent of Maillezais, she was warned that her husband, in returning from Brittany, had been received by the Viscountess of Thouars into her castle, and that the latter had not resisted the amorous entreaties of her lord. Emeline testified the most lively resentment against her husband, who, having vainly sought to justify himself, ceased to answer her. But the Countess of Poitiers soon enjoyed the vengeance which she sought. She had approached Thouars with a numerous retinue of knights and pages; she had the happiness of encountering her rival in open country; she attacked her retinue and dispersed it; and seizing the viscountess, she delivered her over, during the whole night, to the successive outrages of each of her knights. Judging afterwards, that her husband would not pardon this violence, she retired into the castle of Chinon, which belonged to her. During two years, a petty war between the two spouses desolated the country of Aquitaine. Soon, however, the religious men of that country had recourse to William, and showed that the blessing of God had always alighted on him, because he had lived in peace with his wife; that His anger, on the contrary, threatened him after their disagreement. They thus engaged him to return to her, and to confess that he had sinned

grievously against her, when having himself failed in conjugal faith, he had testified so much wrath for so light a fault.

“ William Strong Arm died in 994 ; he was succeeded by his son, of the same name, who is designated by the surname of the Great, because of the extent of his dominion. His states extended from the ocean to the Rhone, and during his long reign (994-1030) he was considered the most powerful of the French lords.

“ All the country situated to the east of the Saône and Rhône, as far as the Alps, then formed the united kingdoms of Arles and Burgundy, which were regarded as absolutely belonging to France. They were governed during fifty-seven years, from 937 to 993, by Conrad the Pacific.

“ The weakness of his son, Rodolph-le-Fainéant, gave the great lords of the kingdom of Arles an opportunity of consolidating their independence. Four of these lords had, throughout the reign of Rodolph, much more power than he in the kingdom of Arles ; and when, at his death, his crown was united to that of the empire, the feudatories who had grown great at its expense, became almost absolutely independent. On the other hand, their vassals began on their side to acquire importance under them.

“ We can still follow the formation of a great number of other feudatory, or rather sovereign houses ; but no historian has made us acquainted with the order of their actions, in a manner to interest us in them.



“ The whole existence of the PEOPLE is equally concealed from our knowledge ; we only know that, in 993, a frightful pestilence devastated Limousin Aquitaine. The contagion was augmented by the unfortunately extended devotion of the people, who incessantly assembled in the churches, carrying their sick, in order that the relics preserved in the sanctuary might restore them to health. These sick passed into the temples as well during the night as the day ; they filled the air with their cries, and corrupted it by their pestilential exhalations. We are assured that their flesh seemed struck by fire, that it detached itself from their bones, and became rotten. The church of St. Martial, at Limoges, was that around which the pestiferous pressed in the greatest numbers. Those who approached were struck with the stench of the atmosphere which surrounded it ; but this fatal warning did not suffice to keep off the faithful, whom the crowd, attracted by the hope of a miracle, incessantly renewed. Most of the bishops of Aquitaine repaired thither, and carried with them the relics of their own churches. The dukes and princes, struck with terror, engaged in a sort of treaty to observe among them peace and justice, to avert the wrath of Heaven. This was the first origin of that convention by which they afterwards bound themselves to abstain from all hostilities during certain days of the week, and which was known under the name of the *Truce of God*.

“ Many causes have contributed to the sterility of history at this time ; doubtless that which



ought to hold the first rank, was the want of communication between men. Accustomed as we are to all countries being open to us, and to numerous travellers incessantly traversing the universe more easily than they then crossed France, to the post bringing to us regularly every day, and with a rapidity which would then have appeared prodigious, letters from all countries, to a class of men trading to satisfy the public curiosity, by writing in the gazettes the daily history of the whole world—we know not how to place ourselves by imagination in a time when the government scarcely made its influence felt, except over the extent of earth which the lord could overrun on horseback in a day, and when the monarch very rarely received the news of a province which he had ceased to inhabit; when each feudatory, mistrusting all that was foreign to his dominion, watched, as spies, the travellers who came to him, and subjected to molestation the very merchants that were most necessary to him; when the need had not begun to be felt of the admirable invention of the post, and when nothing occupied the place of newspapers, which have become to us an object of necessity. In this reciprocal isolation of all the states, scarcely anything was learned of what was passing in other parts of each kingdom, save through some merchants who went their round, and who avoided compromising themselves by allowing too much curiosity to penetrate; through some pilgrims, whom an uneasy devotion conducted to famous sanctuaries, but who were not pre-

pared to understand politics ; finally, through the travels of such lords, as repaired upon some brilliant occasion to the court of their sovereign. But curiosity is proportionate to what one knows, not to that of which one is ignorant. The actions of a prince, or of a people, of whom one has never heard speak, and of whom none will speak hereafter, do not awaken the attention, except they have, in themselves, something marvellous ; thus the most absurd fables were sometimes spread to the remotest countries, whilst a simple event, important though it were, was known only to those under whose eyes it passed, and seems undeserving of being recounted.

“ The nature of events at this epoch, ought to be considered as the second cause of the obscurity of history. The royal power and the national power, had been simultaneously annihilated ; all action at a distance had ceased, and Europe felt no interest for that which appeared to exercise no influence over its destinies. In England, the struggle of Ethelred II., with the Danes and Swedes ; in Spain the struggle of Sancho III., King of Navarre, against the Moors, seemed to belong to a separate world. The rest of the West did not communicate either with the English or with the Spaniards, and appeared to take no interest in their combats.

“ But a third cause concurred, at the period at which we are come, in causing the renouncing of the preservation of all the ancient remembrances, and in thus obscuring history ; this

cause was *the belief in the near end of the world*. As far as the obscure prophecies of the Apocalypse could be understood, they seemed to announce that a thousand years after the birth of Jesus Christ, Antichrist would begin to reign, and would be soon followed by universal judgment. The nearer the fatal term approached, the more the terror of the catastrophe seized the mind. The clergy, finding it advantageous to them, had strongly spread it; they invited all sinners to repentance, and especially to expiation, during the brief space of time which was yet granted them; they encouraged donations for their own profit, which would excite suspicions of their sincerity. In fact, as the sinners gave up without regret, because of the cessation of Time, their family property, which would become useless to their children, it seems that the priests would not have sought it, at least if they had not thought of enjoying it. This terror, which so greatly augmented the riches of the churches, which sometimes produced sincere reconciliations after mortal offence, which even sometimes engaged the lords to restore to liberty their slaves or their vassals, on the other hand interrupted all the relations of life. It held every believer in the situation of one condemned, whose days are counted, and whose punishment approaches; it discouraged them from being prudent, from taking care of their patrimony, from making preparation for the future, and in particular it rendered almost ridiculous the writing a history or chronicles for the advantage of a posterity which would never see the day.

“ It was by the progress of feudal institutions that the prelates, at the same time as the kings, had been despoiled of their power in the tenth century. They had sought, like the high barons, to create a militia that depended upon them, by infeoffing their vast domains in parcels to the knights ; but in the meantime they were found ranked, nearly without its being perceived, not among the immediate vassals of the kings, but among those of the courts or of the dukes in whose domination their dioceses were situated.

“ Whilst the bishops were fallen into dependence on the dukes and counts, and even the viscounts, who governed the principal towns, even the popes themselves were not able at the end of the tenth century to escape the yoke of the feudatory nearest to Rome. The Marquisses of Tusculum had disposed of the tiara as a benefice attached to their fief. On their side the Roman barons had fortified their castles ; others had fashioned retreats in the ancient edifices which decorated the capital of the world ; and there they braved at once the power of the people, and that of the Church.”—*Sismondi*.

M. Henrion de Pansey (*Autor. judicare*, p. 276,) says that, “ one great result of the species of revolution which placed Hugh Capet upon the French throne was, that from that time the kingdom ceased to be a real monarchy, and only became, as it were, one great fief ; that as a consequence, whatever was extraneous to feudalism was regarded as being of an uncon-

stitutional, if not absolutely illegal, character ; that, as a necessary result, the preceding rights of the people, whatever they were, became thenceforth null ;” adding, that “ none but the feudalry had a right to be tried by their peers.” But there are too few authentic historical records of this troubled reign to sustain satisfactorily the conclusions of the author above cited ; though it is highly probable they may be well founded.

Hugh Capet died, after a reign of barely ten years, October 24, A.D. 996, and was succeeded by his son, Robert, surnamed “ the Devout :” a title he well merited, if an abjectness of mind towards the priests, and sedulous attendance, day and night, at the mass, &c. could deserve it. The following amusing instance of his simplicity of character, and the superstition of the time, are given by M. de Sismondi :—

“ The charity of Robert appears to have extended over all sinners. At Etampes, at a festival, where he was with his queen, Constance, he ordered the palace to be opened, so that all the poor might enter. One of them, running like a dog under the table, sat himself at the feet of the king, who fed him from his plate. The poor man, however, profited by this familiarity, to detach from Robert’s mantle a golden ornament weighing six ounces, which was named the *label*. Robert did not seem to remark it ; and when he arose after all the poor had gone out, and Constance observed with anger he had been robbed, Robert answered only : ‘ That which he has taken he has doubt-



less more need of than I.' Another thief having detached half of the golden fringe of his cloak while he was at prayers, Robert turned towards him, and only said to him, 'Leave the rest for another, who will doubtless be also in need.' He shewed no more anger to those who stole holy things. One day he remarked in the church that a clerk, named Ogger, when he had placed himself there, approached the altar, removed a taper from its silver candelabra, and concealed it in the folds of his gown. When the other clerks, who had care of the treasure of the church, had discovered the theft, they were in extreme trouble; they asked the king, who had remained in the same place, if he had seen nothing. Constance, informed in her turn of this sacrilege, swore by the soul of her father, Count William, that she would tear out the eyes of the guardians of the temple, and would try them by all sorts of torments, if the candelabra were not found. Then Robert called to him the priest, Ogger, and advised him to hasten his return into Lorraine, his country, before the vengeance of Constance could reach him. He even gave him money to pay his journey; and, some time after, when he thought the thief in safety, he related to the clerks what had become of their candelabra. Finally, another time, on Holy Sunday before Easter, as he rose in the midst of night to assist in the prayers of the church, and crossed the apartment where none expected him, he found two lovers on the same couch, who had not sufficient clothes to conceal them from him. In an



instant he unfastened his cloak, and threw it over them, so that none could see or recognise them. One cannot read these traits of universal simplicity and benevolence without loving King Robert ; but, at the same time, one is forced to acknowledge, that such easiness, or rather such weakness of character, was little fitted for a government. In his time the government of the nobles was organised—was strengthened ; the provinces always became more strange to one another ; the castles were always more screened from the influence of the crown ; and whilst we see arise that iron generation—those indomitable and pitiless warriors, whose games were fights, of whom religion demanded blood, in whom love showed itself only in the tournament, the royal race seemed to become much more effeminate, and the nobles had become more proud. During a whole century, the descendants of Capet alone remained strangers to the forming chivalry.

“ The devotion and charity of Robert does not compose the History of France. We must seek it in the provinces, where his authority did not extend, and where his name was almost unknown. But the petty local facts which we shall encounter there, seem to have no connection one with the other. In 997, however, an effort of the people to throw off the yoke deserves to be remarked, since it is the first which is presented to us in a history of more than five centuries, and which has always shown us the oppression of the people as intolerable. It was in Normandy that the peasants rose, as a new

duke, Richard II., had succeeded his father, nearly at the epoch when Robert ascended the throne of Hugues Capet. This insurrection was not the consequence of a redoubling of cruelty on the part of masters ; it broke out, on the contrary, when the labourers, a little less brutalized by slavery, began to take some confidence in their own strength. ‘The peasants,’ says William of Jumièges, the Norman historian of the middle of the eleventh century, ‘having assembled in conventicles in all the counties of Normandy, resolved, with a unanimous consent, to live according to their own free will, without any longer submitting to the established laws, in regard to the use they could make of the woods, the forests, and the waters. Each assembly of these frantic people named two deputies, who were to attend a general assembly in the midst of the country, to maintain their pretensions. But the new duke, being warned thereof, immediately sent a troop of soldiers, under the conduct of Count Rodolph, to dissolve this rustic assembly. The latter, executing his orders without delay, arrested all the deputies and some other peasants with them, and having cut off their hands and feet, he sent them thus back to their families, rendered useless for life. The peasants having experienced these hardships, and fearing still more chastisement, immediately renounced their assemblies, and returned to their ploughs.’

“The monkish author of this recital, who himself had peasants, and who regarded their revolt as the overthrow of the most sacred

order, leaves us, however, to judge, by his very recital, that it was not the people who conducted themselves furiously, but those who refused to listen to their complaints. In fact, it is a necessary consequence of an oppressive order, that it can be maintained only by atrocious punishments. The lords struck terror into the peasants, in order to be less often called upon to punish revolts which ruined themselves. The priests, in their turn, sought to inspire the same terror in the nobles, to bring them back to submission to the Church, from which they were removed, and to regain that absolute power, and that wealth, of which the feudal rule had despoiled the clergy. Some legends, and recitals of miracles might subdue the minds of these knights. They had much faith, and little logic, and the supernaturalness or absurdity of a tale seemed to dispose them more than ever to believe it; however, their soul was prepared for no kind of fear; their physical force itself assured them against the terrors of the other world, and their conduct towards the Church displays a singular mixture of superstition and audacity.

“The miracles, we are told, worked daily, and which when announced from every pulpit to those pious knights, suddenly calmed their passions, and arrested them in their fury, would seem now rather an object of laughter. Thus it was published, that on the 12th of July, of this same year, 997, Wilderobe, Bishop of Strasburgh, to whom Gerbert had addressed some of his letters, having dissipated

the property of his church, was, in punishment of the crime, attacked by rats, against which he could not defend himself, and which devoured him alive. This was, it seems, the punishment more particularly destined for the usurpers of the goods of the clergy ; for at the same epoch, Ditmar relates, that a knight, who had possessed himself of the property of St. Clement, was also attacked by famished rats, against which he at first defended himself with his bâton, then with his sword ; but as he could not deliver himself, overcome by sleep, and not knowing how to slumber in peace, shut himself up in a box, which he suspended in the air by a cord ; yet, on the following morning, when the box was opened, nothing was found but his bones ; the rats had entirely devoured him in the night.

“These ridiculous tales, however, sufficed to make a profound impression on the warriors, who, exercising their bodies without relaxation, found it impossible to cultivate their minds, and made it a duty not to think. The feudal spirit having raised bodily strength and bravery above all other virtues, strength of body and bravery also became the offering which was thought worthiest of the Divinity. The barons, the knights of whom neither the kings, nor the counts, nor the prelates, ever demanded any other service than that of their swords, thought they ought also to consecrate their swords to God, and they figured to themselves that their surest means of salvation were to employ their bravery in a far-off expedition. With this new

character given to devotion, began the pilgrimages, which were put in fashion about this period, and which were soon followed by the crusades. Throughout the tenth century, we have seen the French and Germans making pilgrimages to Rome, and to the sanctuaries of Italy; but at the beginning of the eleventh, the pilgrimage to Rome did not seem sufficiently adventurous to these gentlemen, as greedy of dangers as of the salvation of their souls. The French lords, and especially the Normans, undertook others, to Lower Italy, to Mont Gargano, and to Mont Cassin; then they embarked at these same places for Jerusalem; there they for the first time encountered the Infidels, and their desire to fight them increased by reason of all the vexations which they experienced on their part. It was in the first years of the eleventh century, that forty Norman pilgrims, who returned from Jerusalem, offered their services to Guaimar III., Prince of Salerno, against the Saracens who attacked him; and that by a brilliant feat of arms they established the reputation of the Normans for bravery in the South of Italy, and they opened the way to those of their countrymen who soon became there the founders of the Two Sicilies.

“ One of the means to which Constance had had recourse to strengthen her authority over King Robert, had been to fill the court with her fellow-countrymen of the South of France. The arts and commerce had made much more rapid progress in the counties of Languedoc and Pro-



vence than in Northern France. The Saracens, arrived in Spain at their highest degree of refinement, frequented the ports of the Mediterranean, and carried thither their merchandise; habits of luxury spread in the castles; they prepared there those festivals, and these courts of love, where was a little afterwards seen the formation of the Provençal music and poetry; all the knights of the South were already occupied in the service of the ladies, whilst those of the North still thought only of fighting. But the latter saw not without jealousy the elegance of their rivals, and they were ever ready to consider as a vice the luxury which they could not imitate. ‘After the one thousandth year,’ says Glaber, ‘as King Robert had been to seek a wife in the provinces of Aquitaine, one sees flowing into France and Burgundy, because of this queen, the most vain and trivial of all men, who arrived from Auvergne and Aquitaine. Their manners, their habiliments, were disorderly; their arms and equipment of their horses were equally strange; from the middle of the head they wore no hair; they shaved the beard like buffoons; their shoes and boots were odiously fashioned; finally, they respected neither faith nor promises of peace. But, O sorrow! These shameful examples were almost immediately imitated by the whole of the French race, previously so honest in their manners, and by all the Burgundians, until both had equalled their models in crime and ignominy. If some man, religious and fearing God, endeavoured to check those who wore such clothes, he was accused by them of folly.’



“ Whilst some knights carried into the courts this new luxury, which scandalised religious men, others shut up in their castles, often with only three or four halberdiers for their whole garrison, counting upon their strong walls, their iron-bound doors, and their draw-bridges, put themselves on their guard against the surprise of their adversaries, or endeavoured to surprise them in their turn. Each was at war with all his neighbours ; however, one has rarely to speak of combats in the open country ; all hostilities were reduced to surprises, to ambuscades, and nearly to acts of brigandage.

“ ‘ At this time,’ Glaber remarks, ‘ basilicas and churches began to be rebuilt throughout Christendom, but especially in Italy and France, even when they had little need of reparation. All the Christian nations seemed to wish to triumph over one another by the elegance of their temples ; one had said that the whole world shook itself, and that casting off its old slough, it wished to clothe all its churches in festive habits. Thus nearly all the episcopal churches, and a great number of monasteries or little oratories, were restored at the same time by the faithful.’ From this epoch, in fact, date nearly all the beautiful monuments which we call Gothic. Sooner, the arts and riches of the people would not have sufficed to construct them : later, the zeal which had raised them froze anew.

“ The discovery of new relics was one of the means which the clergy set to work to awake this fervour. Glaber, even says, that one would

have believed oneself *present at a universal resurrection of those sacred pledges which, after having remained a long time concealed, were everywhere revealed at the same time to the faithful.* In fact, one listens only at that time to recitals on the inventions of new relics, and never were these recitals more absurd. At Sens, Archbishop Leutheric pretended to have found a part of the rod of Moses, and a prodigious number of other relics : the concourse of pilgrims who went to see them brought immense riches into the town ; at St. Julian, in Anjou, they pretended to have found a shoe of Jesus Christ ; at St. Jean-d'Angely the head of John the Baptist. The King and Queen of the French, Don Sancha, King of Navarre, and an infinite number of the great personages of France, Spain, and Italy, went to do homage to this head.

“ The fermentation which the clergy had at last succeeded in exciting in the people, was not slow in manifesting itself by a vast increase of intolerance. It exercised it alternately against the heretics and against the Jews. During several centuries the church had not been troubled by any heresy ; the ignorance was too complete, the submission too servile, the faith too blind, for the questions which had so long exercised the subtilty of the Greeks, were only restrained by the Latins. But the new zeal the clergy had awakened was connected with the progress of ecclesiastical studies. Doubts were raised in some minds, the faithful, in great numbers, had been led

away by excess of zeal towards that which they considered as a perfecting, or a more luminous development of the ancient doctrines. At the town of Vertus, in Champagne, one named Leutard began first, towards the year 1000, to preach a reform, which he supported on the authority of Scripture. He broke the crucifix and the miraculous images; he declaimed against the payment of tithes, and he soon saw himself surrounded by a great number of proselytes. The bishop of his diocese, Gibuin, called him to a conference, after which it was announced to the people that Leutard, being convinced of his error, had drowned himself in a well. Another heretic was discovered at the same time at Ravenna; but he was not asked to do justice on himself, fire and sword delivered the Church of him and his followers.

“The seeds of these new doctrines needed some years to swell; but every active mind was occupied in seeking explanations of the dogmas of the Church.

“It is not very easy to unravel the true opinions of the sectaries through the reports of their spies and judges.

“It was not possible to make the people sufficiently comprehend at first, what the Church found odious in these doctrines to excite in it the horror with which it wished to overwhelm the heresiarchs. Thus they spread accusations of quite another nature, which were neither supported by any witnesses, nor debated before the bishops. They therefore calumniated the morals of the new Gnostics, as have been done

by nearly all secret sects. It was related, that after having extinguished the lights, they delivered themselves in their assemblies to the most odious acts ; that they afterwards threw into the fire the children born of their temporary unions, that they collected the ashes, and that these ashes, which they made the neophytes eat, had such virtue that those who had once tasted them could never abandon heresy.

“ By these frightful accusations the proposed end was attained. To the flames King Robert condemned them, after the council had degraded them. A cottage, at a little distance from the town, had been filled with combustible materials to act instead of a stake. As they left the church chanting hymns, to repair thither, they passed before Queen Constance, who with an iron-bound rod in her hand, had remained at the door of the temple. The queen recognised her spiritual father, her ancient confessor, Stephen, at the head of this lugubrious procession ; she thought she ought to show to the people that religious feeling stifled in her all pity, and every remnant of affection for him to whom she had once listened with so much respect ; she threw herself upon him, and with the rod which she carried in her hand she tore out his eye. The victims were three in number : a clerk and a religious man who made adjuration were not comprised in the sentence of the council. The others were conducted into the little house which was prepared for them ; it was set fire to, and they were consumed in a few instants.

“Returning to our main subject, from which we have diverged too long, perhaps, we have to observe that in the French provinces the last years of King Robert were signalised by the death of several of the great lords who had shared with him the government of France. Geoffry, duke of Brittany, was killed by a blow on the head from a stone thrown by an old woman, irritated that the duke’s falcon had carried off one of her fowls. During the minority of his son Alain III., the peasants revolted, in 1024, against their lords, killed a great number of them, and set fire to their castles. The lords were not slow in avenging themselves by delivering the rebels to frightful punishments.”\*

NOTICES OF THE EARLY LIFE AND TIMES OF  
WILLIAM THE CONQUEROR.

WHILST the King of the French by degrees abandoned all the rights of his crown, and his weakness rendered him the more contemptible in the eyes of his subjects, as it contrasted more with the chivalric spirit and activity of his age, a young bastard prince, who was soon to found a monarchy, the rival of France, developed in Normandy, in the midst of civil wars, the audacity, constancy, cunning, and cruelty, which afterwards facilitated his conquests. From his eighth to his twentieth year, William had maintained himself in the midst of turbulent Norman barons, rather from their

\* Sismondi: “History of Feudalism in France,” ch. iv.



jealousy towards each other, than out of respect for him, or by his own strength. Too young and too weak to resist them, he yielded to their violence; and if the Norman lords did not respect his authority, they preferred, nevertheless, his reign to that of a more formidable master. But, in 1047, William the Bastard attained his twentieth year, and thenceforth he displayed his valour, skill, and activity, in enforcing his rights as Duke of the Normans; he also excited more jealousy, and gave rise to more formal projects of despoiling him. Renaud, sone of Otto William, of Franche-Comté, had married a daughter of Richard II., Duke of Normandy, and pretended to succeed to that great fief in preference to a bastard.—His second son, Guido, who had received from Robert the Magnificent considerable fiefs in Normandy, put himself at the head of an almost universal rising of the nobility against William. It is pretended that the army of the insurgents was composed of thirty thousand men. William, on his side, had found in that warlike province devoted soldiers. However, before leading them to combat, he went to Poissy, to have a conference with the King of the French; he reminded him of the services which his ancestors had incessantly rendered to the Capetians, and he obtained a reinforcement of three thousand men, which it appears William brought himself. William met Count Guido in the Val des Dunes, and obtained over the rebels a complete victory. His adversary, after taking refuge in the fortress of Roque-



drille, in the county of Brionne, was obliged, for want of provisions, to give it up by capitulation, and to retire into Burgundy.

“William of Normandy had scarcely subdued his domestic enemies, when he was attacked, in 1048, by Geoffry Martel, Count of Anjou, who took from him the castle of Domfront. However, the rapidity of William rarely left time to his adversaries to profit by their advantages. He came and besieged the Angevins, who kept garrison at Domfront. The castle, built upon steep rocks, was too strong to be attacked with machines of war: he contented himself, therefore, with blockading it; but warned by spies that the castle of Alençon was badly guarded, he set off by night from his camp, surprised Alençon, and exacted a cruel vengeance from his soldiers, who had given him the surname of Currier, on account of the trade which his mother’s relatives had carried on; he caused thirty-six to be seized, whose feet and hands he cut off, and left them thus to die miserably; then, returning in all haste before Domfront, he inspired the besieged with such terror, that they capitulated immediately.

“In 1051, William went to pay a visit to his cousin, Edward the Confessor, in England. The ambition of the Normans was already directed to that beautiful isle; Edward, raised among them, and having adopted their language and their manners, only surrounded himself with Norman favourites. He had given to Norman ecclesiastics the bishopric of London,

and the archbishopric of Canterbury ; and he called in others to defend his person ; he reckoned upon them to protect him against Count Goodwin, the most powerful of the Anglo-Saxon barons, whom he found to be more master of his kingdom than himself. He had married the daughter of this lord, and he afterwards separated from her by an imprudent vow of chastity. It was by refusing to have children by the daughter of Goodwin, that Edward the Confessor created in the heart of William the first hope of succeeding him. His invincible partiality for the Normans exposed him to all the jealousy of the English ; and it determined Earl Goodwin to exact, in 1052, that all the natives of Normandy should be expelled from England.

“ When William thought of marrying, he sought a wife who would secure to him a powerful alliance. He demanded Matilda, daughter of Baldwin of Lille, Count of Flanders. The latter was then at war with the emperor ; and the pope, entirely devoted to Henry III., interdicted the two lords from contracting that alliance. The subjects of William were the most warlike of all the West ; those of Baldwin, the most industrious, and the richest ; their union appeared formidable to the emperor ; but William took no notice of his threats, or those of the pope ; he repaired to Bruges in 1053. Warned that Matilda had declared that she would never marry a bastard, he waited for her as she came out of church, entreated her, frightened her, and, if we can believe the Chronicle of Tours,

beat her until he had obtained her consent.— By this marriage, William became nephew to the King of France; for Matilda was the daughter of Adela of France, Henry's sister.

“Far, however, from consolidating by marriage his preceding alliance with the King of France, William was almost immediately called upon to fight. A natural brother of his father, William, Count of Arques, had, from the commencement of his reign, distinguished himself amongst the most active of his enemies. The duke had at last taken his castle, and had exiled him from Normandy; but the Count of Arques, having sought a refuge among the French lords in the neighbourhood, had succeeded in inspiring them with his passions. The Normans were odious to them: the French were jealous of their reputation for bravery; they were desirous of encountering them, and they engaged the weak Henry to furnish money to the Count of Arques, and promise him assistance. The latter, having bribed the guardians of the castle, of which his nephew had despoiled him, caused the gates to be delivered up to him, and established himself therein, with about three hundred adventurers, to whom he promised, instead of pay, the pillage of the neighbouring country. William would not give them time to enrich themselves by those brigandages; and before even having assembled a sufficient army, he presented him before Arques to besiege it. But whilst his men-at-arms came successively to rejoin him, he learned that

Isembert, Count of Ponthieu, and Hugues Bardolph, were marching to succour the besieged with a French army, and that the king himself showed a disposition of approaching also. Duke William wished, as long as it depended upon him, to avoid fighting his suzerain. He remained, therefore, at the siege of Arques; only he detached from his army some of the Norman barons, who laid an ambuscade for the French, where the Count of Ponthieu was killed, and Hugues Bardolph made prisoner. At this news, the king withdrew, without having seen the Normans, and Guido, Count of Ponthieu, who had surprised the castle of Moulines, hastened to evacuate it.

“Before the end of the year, Henry wished to efface the affront which he thought he had received in Normandy. He called all his vassals into military service, and formed two armies of them—one on the north, and the other on the south of the Seine: he was himself with the second, which he abandoned to the direction of Godfrey Martel, Count of Anjou, the most renowned for his bravery and good fortune among the lords of France. The brother of the king, Eudes of France, whom he had placed under the guardianship of Raoul, or Rodolph, the great chamberlain, commanded the army on the Seine.

“William was a zealous partisan of the feudal system, upon which his own power reposed; he wished as much as possible to avoid showing to his vassals a subject fighting against his sovereign. He undertook, therefore, to observe

the royal army, to prevent it from extending itself, and to keep it in awe without attacking it ; whilst he ordered the Count of Eu, Hugues of Montfort, Hugues of Gournay, and William of Crespigny, to treat the army of Eudes with less regard. The latter had entered by the Beauvais into Normandy, and had penetrated as far as the country of Caux, ravaging everything around him, when the four barons found the French army at Mortemer, in that disorder which follows a pillage. Some of the soldiers were drunk, others surrounded by women whom they had taken away from the villagers ; none seemed to expect a combat ; Eudes did not, however, refuse them ; but shortly, frightened at the briskness of the attack of the Normans, he gave the first example of flight. While he was flying at full speed, his nobility continued defending themselves until three o'clock in the afternoon : consequently, the greater part were killed in the combat, and the others were almost all made prisoners. This was the fate, among others, of Guido, who had succeeded his brother in the county of Ponthieu, and who had hoped to avenge him. It was night when William received the news of the victory of his troops, and he was with his other army at a short distance from that of the king. He immediately ordered the herald-at-arms to approach the king, and call the guards with a stentorian voice : ‘ Tell your king,’ shouted the latter, ‘ that my name is Robert de Toënes, and that I bring him mournful news. Take your carts to Mortemer, to load with the dead bodies



of those who are dear to you ; for the French have come against us to experience the military art of the Normans, and they have found it much better than they would have wished.—Eudes, their chief, has taken shamefully to flight, the Count of Ponthieu is a prisoner—almost all the rest are killed or captive ; there are very few that the rapidity of their horses has been able to place in safety. It is the Duke of the Normans who causes this notice to be given to the King of the French.’—Henry, struck at the disaster, and frightened at the manner in which it was announced to him, immediately ordered a retreat, and took back his army to France, without having fought.

“After four years’ repose, Henry again, in 1058, made an irruption into Normandy, at the instigation of the Count of Anjou ; he besieged the castle of Tilliers, but on his return he lost the half of his army, in an ambuscade which was laid for him at the chaussée de Varville.”—*Sismondi*.

#### STATE OF FRANCE DURING THE ELEVENTH CENTURY.

THE excesses of the French nobles, during the eleventh century, continued, for the most part, by the feudal kings, as reported by M. Dulaure, from contemporary “Annals,” are really frightful. When not warring against each other, they were usually employed robbing



merchants on the roads, in spite of the armed escorts, with which these usually travelled ; or decoying into their castles rich burgesses, whom they subjugated to cruel tortures till they agreed to ransom themselves, or died from exhaustion. The monasteries, despite the robust religious faith of most members of the feudalry individually, were favourite objects of attack, on account of the exorbitant riches daily accumulating in them. To ward off the feudal plunderers, the cloistered clergy adopted physical devices, when the moral effect of the terrible curses failed, which they launched in the name of God and his Church, against the titled brigands and their followers. Upon the principle of "set a thief to catch a thief," they detached from the bands of aristocratic marauders a number of knights, whom they called their sustainers (*aroués*) or defenders. But the monks found these persons and their descendants (the office becoming hereditary in certain families) their worst plunderers. Thus one Burchard, Lord of Montmorenci, the feudal champion of the rich abbey of St. Denis, in 1101, not finding the monks so conceding to his exactions as he wished, open war broke out between him and the abbot. Each ravaged the other's lands, and the country was wasted with fire and sword. Prince Louis, son of King Philip the Fair, interposing, and taking up the cause of the abbot, a second ravaging of the domain of Montmorenci ensued, and its lord was obliged to yield to the power of Church and crown conjoined against him.

The lives of some of the prelates and heads of religious communities, themselves barons as well as church dignitaries, were even sometimes little less scandalous than the chiefs of the secular feudalry. They, like the latter, had their knights, their tenants, their serfs, their horses, their hawks, their hounds. Nor were prisons wanting to the great religious houses; M. Dulaure declares that some of the worst dungeons of the French capital, during the middle ages, were those in substructions of the religious houses there. St. Bernard, the virtuous abbot of Clairvaux, denounced the luxury of some of the prelates, &c., in the next century (the twelfth), in the following terms:—"I have seen an abbot ride out at the head of sixty armed cavaliers. By the luxury of certain abbots, which we see daily, you would take them, not for chiefs of monasteries, but for lords of castles; not for directors of individual consciences, but for governors of provinces."

In 1133, Stephen, bishop of Paris, having gone, with other church dignitaries, to repress some scandalous irregularities which had taken place in the abbey of St. Victor, the party and its escort, were on their return way-laid, while passing the castle of Gournai, by the men of the garrison, headed by the nephews of Thibaut Notier, archdeacon of Paris, a person interested in the disorders tried to be suppressed. Though the time was Sunday, and the priests held out the *paix* (*pax*, peace, a kind of reliquary) to stay the onset, by symbols of the faith, several pursuers were killed, including the abbot him-

self. The immediate murderers, and their accomplice, the archdeacon, were excommunicated, by Pope Innocent II.

“A striking feature in the history of the French,” says M. Sismondi, “after the revolution which gave the throne to the Capetian house, is, the gradual, but constant progress of the nation, and the simultaneous decline of the royal race. To the founder of the new dynasty, succeeded in regular order, his son, his grandson, and his great grandson; each of their long reigns embraced a whole generation. Robert bore the sceptre nearly thirty-five years, Henry thirty years, and Philip forty-eight years; a whole century passed, and their dominion was confirmed; however, during that long period, they did but slumber on the throne: they showed only feebleness, love of repose, and love of pleasure; they are not distinguished by a single great deed. The French nation, on the contrary, which marks its records with the epoch of their reign, aggrandised and ennobled itself from year to year, acquired in each generation new virtues, and became, at the end of that same period, the school of heroism for all the west, and the model of that almost ideal perfection which we designate by the name of chivalry, and which the wars of the Cross, the songs of the troubadours and of the bards, and the romances even of neighbouring nations rendered proper to France.

“But the royal family, not till the time of Louis le Gros, entered freely into chivalry; it was at the head of feudalism; but it could not

enter into its spirit. It carried its pretensions higher, at the same time that it was lowering itself by not profiting by all that it might have found in it that was powerful.

“The period during which the chiefs of the Capetian house are lost in the shade, was marked for the people by frightful calamities. From the year 1030 until the harvest of 1033, France had experienced a growing dearth, which had finally changed into a horrible famine. Constant rain, at seed-time and harvest, had compelled the ploughmen to leave in fallow the greater part of their fields; it had smothered in weeds the seeds they had sowed, and caused to shoot or rot in the ear the wheat they were to reap. In the state in which trade then was, but few resources could have been expected from foreign countries; but even those resources were taken from France by the universality of that calamity. According to Glaber it had begun in the regions of the East; it had afterwards been experienced in Greece, then in Italy, in Gaul, and finally in England. We are not perhaps to grant entire confidence to the picture he draws of the famine: his pretension to eloquence casts doubts upon his veracity; but the exaggeration of a contemporary yet makes us acquainted with the period, even if it deceive us upon several details. ‘The entire people,’ says he, ‘experienced the sufferings of the want of food; the wealthy, and those of middling fortunes were pale with hunger as well as the poor, and the universal distress caused the rapine of

the powerful to cease. If food was found anywhere for sale, it depended on the fancy of the seller to fix the price of it. Men were seen, after having devoured the beasts and birds, to throw themselves upon the most disgusting and hurtful food. Some, to avoid death, had recourse to the roots of the forests and to the weeds of the rivers, but in vain, for it is only by turning one's thoughts inward that the wrath of God can be avoided; others, and we are horror struck in relating it, suffered themselves to be reduced by a ferocious hunger, to devour human flesh, of which very rare examples had formerly been seen. Upon the roads, the strongest seized the weakest, tore them to pieces, put them on the fire, and ate them; others, who fled from place to place to avoid that famine, craved at night hospitality at the door of some cottage; but those who had received them killed them in the night to make food of them. Often children were allured by showing them an egg or an apple; they were dragged into bye places, and after being murdered, were devoured. In several places the bodies of the dead were dragged from the earth to be eaten; . . . and as though the custom of human flesh had already become legal, a man was seen on the market place of Tonnerre, carrying such cooked flesh to sell, which he pretended to be that of some animal. He was apprehended, and did not deny his crime; they burned him, and the flesh which he had offered for sale was buried by order of justice; but another man went to



disinter them at night, and ate them, and was likewise condemned to the flames.'

"Near the church of St. Jean-de-Costanedo, in the forest of Mâcon, a man had built a small cottage, where he murdered, by night, those to whom he gave hospitality, or whom he found in the woods. Upon suspicions raised against him he fled; but the officers who opened his house found in it forty-eight heads, the remains of as many men, women, or children whom he had devoured. He was at last apprehended, and perished by fire. The torment of hunger was so terrible that several, taking chalk from the bowels of the earth, mixed it with flour to make bread, as though it were sufficient to deceive the eye by resemblance, to satisfy the stomach. One could not behold without grief those faces grown lean by fasting, those languishing bodies lying on the ground, which wanted strength as well as food. Some were scarcely dead when others, on endeavouring to give them sepulture, died with them, and the greater number could not be buried, because no one remained to take care of their bodies.

"Another calamity followed. The wolves, enticed by the great number of bodies they found on the roads, began to accustom themselves to human flesh, and attack men. Those who feared God then opened pits, where the father dragged his son, the brother his brother, and the mother her young child, when they saw them departing; and often, he who despaired of his own life, fell therein with those to whom he was rendering that last duty. It



was a charitable office to drag to those pits such as were seen expiring. The ornaments and treasures of the churches were then distributed for the relief of the poor. The bishops of the cities of Gaul, however, convoked a council to remedy so many evils. There, they agreed that, seeing food was so greatly wanted, they could not give succour to all, at least it would be prudent to supply daily nourishment to those who appeared the most robust, in order that by saving the latter, the fields should not be left without cultivators.

“ These miserable times were also made further insupportable to the nation by the wars between the great feudatories ; and by natural hostilities, yet more disastrous to the people, of the lesser barons and castellan lords : because their states, bordering one another, were everywhere exposed to the incursions of their enemies. These wars, which were waged in all the provinces at the same time, and the violence, conflagrations, pillage, and sacrifices, which were their necessary consequence, appear at a time when religious zeal had been re-animated by the sufferings and distress of the last famine, a manifest violation of the laws of Christianity. By reason of that sentiment, a bishop announced, towards the year 1035, that he had received from heaven, in a miraculous manner, the command to preach peace on earth. ‘ Shortly,’ says Glaber, ‘ the bishops began, first in Aquitaine, then in the province of Arles and Lyon, afterwards in the remainder of Burgundy, and finally in all France, to celebrate

councils, where the abbots and the other men devoted to religion, and all the people, assisted with them. As it had been announced that these councils were intended to reform the peace and sacred institutions of the faith, all the people repaired thither with joy, ready to obey the orders of the pastor of the Church, not less than if a voice from heaven had addressed men upon earth. Every one, in fact, was troubled by the scourges just experienced, and doubted whether he might be permitted to enjoy the abundance which was announced. They therefore gave, in these councils, a description divided into chapters, which contained an enumeration, on the one part, of every thing that was forbidden ; on the other, every thing which the subscribers bound themselves not to do, in making an offering to the Divinity of their devout promise. The most important of their engagements was that of preserving an inviolable peace ; so that men of every condition, to whatsoever pretensions they might have been exposed before, could henceforth go about without arms and without fear ; every brigand, and whomsoever should invade the property of others, was subjected, by that law, to the loss of his property, or to corporal punishment. More honour and respect was besides to be paid to sacred places and churches, and whosoever should seek a refuge there, and of whatever fault he might be guilty, was to remain there in safety, excepting only he who should have violated the engagement of this peace. With regard to the latter, he might be arrested, even

upon the altar, to make him undergo the punishment he had incurred. Finally, all clerks, monks and nuns, were to shield with their security those who travelled with them, so that they might not be exposed to any injury. It would be too tedious to relate every thing that was enacted in those councils; but this, at least, is worthy of remark, it was ordained by a perpetual sanction that all the faithful should abstain on Friday, in every week, from the use of wine, and on Saturday from that of meat, unless some serious infirmity prevented him, or that it was the day of a solemn festival. He who should dispense with it for any other cause, was in return to feed three poor persons.

“Whenever, in each province, a provincial council had established what was called the PEACE OF GOD, a deacon communicated that fact to the people. After having read the gospel, he went up to the pulpit, and denounced against the breakers of the peace the following malediction:—‘We excommunicate all the knights of this bishopric who will not bind themselves to peace and justice, as their bishop requires of them. Let them be cursed, they and those who help them in doing evil; let their arms be cursed, as well as their horses; let them be banished with Cain the fratricide, with the traitor Judas, with Dathan and Abiram, who entered alive into hell. And even as these torches are extinguished before your eyes, may their joy be extinguished at the sight of the holy angels; unless they make

atonement before their death, and submit to a just penance, according to the judgment of their bishops.' At these words, all the bishops and priests who held in their hands lighted tapers reversed them against the ground, and extinguished them, whilst the people, seized with fright, repeated with one voice, '*May God thus extinguish the joy of those who are unwilling to accept peace and justice.*'

"In spite of the zeal with which the Peace of God had, in 1035, been preached by the clergy, and listened to by the people; in spite of the superstitious terrors which had been excited, to second that first call of humanity, the violence of the alteration which it made in the national manners was too great for such regulations to be long observed. Private war, whether for the purpose of defence or revenge, was a sort of barbarous administration of justice, which could not be dispensed with, although its consequences were to be deplored. As no one dispensed justice, it was necessary for each to right himself; as the legislative power was annihilated, and no executive power extended its protection over the provinces, it behoved him, who had experienced an injustice, to seek redress by his own strength. Thus, that which Bishop Girard of Cambrai had predicted, came to pass; that is, the first councils for the Peace of God had not so much caused rapine to cease as it had multiplied perjurers.

"However, those who had sworn peace had agreed that they would re-assemble at the end of five years, to consider on the means of ren-

dering it more stable. It was with this intention, that, in 1041, several provincial councils were convoked in Aquitaine, and soon after, all the rest of Gaul followed the example of that province. By a happy innovation, they substituted the *Truce of God* for the *Peace of God*; that is to say, that instead of endeavouring any longer to stop the flight of all human passions, and at the same time, the accomplishment of justice, they endeavoured to regulate those passions, to submit war to the laws of honour, humanity, and compassion, to leave to those who had no superiors the appeal to force, inasmuch as it was impossible to give them any other guarantee, but prevent them from ever making of that force a use destructive to society, or turning it against those from they had received no injury, who could not obtain from them any redress.

“ We have the acts of the councils of Tuluges, in Roussillon, of Auxonne, St. Giles, and a few others, for the establishment of the *Truce of God*. These acts are not perfectly uniform. Every assembly of bishops brought about some modification in the laws of the *Truce*, but their common principle was always to limit the right of war, and interdict, under the severest ecclesiastical pains, even at the moment when hostilities seemed to abolish all laws, actions contrary to the rights of people and humanity. Notwithstanding the diversity of these acts of the councils, a general legislation was at last adopted throughout Europe, upon war and the *Truce of God*. Hostilities



even among soldiers were limited to a certain number of days a week ; certain classes of persons were protected against these hostilities, and certain places were placed under the guarantee of a perpetual neutrality. This legislation was itself often violated, and at the end of a sufficiently long period, it fell completely into disuse. However, it must still be considered as the most glorious undertaking of the clergy, that which contributed most to soften the manners, to develop the sentiments of commiseration between men, without being detrimental to those of bravery, to give a reasonable basis to the standard of honour, to cause the people to enjoy as much of peace and happiness as could then be admitted by the state of society, and at last to multiply the population in such a manner as to be soon able to supply the prodigious emigration of the crusades.

“ Every military act, attack, spoliation, and effusion of blood, was interdicted from the setting of the sun on Wednesday night, until its rise on Monday morning ; so that only three days and two nights a week were abandoned to the violence of war and vengeance. Moreover, the days of great religious solemnities, the seasons of fast, of Advent and of Lent, and the patronymic festivities, which varied with the particular devotion of each province, were also included in the Truce of God. It was, besides, agreed that, during Advent and Lent, those long seasons of fast and peace, no one should raise new fortifications, or work upon old ones,



unless that labour had been commenced a fortnight before the opening of the fast. It was not wished that one party should profit by a common security, to change the porportion of his strength; and it was judged with reason, that by allowing the weakest to work, to place himself on the defensive, it would excite the strongest to violate the Truce.

“The places put under the perpetual safeguard of the Truce of God were churches and cemeteries, with a boundary of thirty ecclesiastical steps, but only because those churches were not fortified, and did not serve as places of refuge for malefactors who might sally forth from them to plunder. The persons to whom this safeguard extended were clerks, (provided they did not carry arms,) monks, and nuns.— Finally, the right of war was limited by the protection granted to architecture. It was no longer permitted to put to death, to wound, or to weaken, the peasants of either sex, or to arrest them, except for their personal faults, and according to law. The implements of labour, the stacks, the cattle, the more precious plantations, were put under the Truce of God. Among these things many could not be carried off as booty; others were subjected to the chances of war; but though it was permitted to take for use, to burn or to destroy indiscriminately, was interdicted.

“Ecclesiastical penalties were established against the breakers of the Truce; frequent assemblies of bishops were charged to maintain these rules, and, in some provinces, officers of

peace, an armed militia, and maintained by a contribution, which was named *paçata* or *pezade*, was obliged to repress the offenders. In Neustria, however, or rather in the countries immediately submitted to Henry, the Truce of God was not admitted. That weak monarch, incapable of protecting either his subjects or himself, did, nevertheless, oppose as a usurpation of his rights, his vassals being placed under any other protection than his own. In the remainder of France, several saints preached the Truce of God ; and among them St. Odilon, abbot of Clugni, appears to have laboured with the most zeal to cause it to be acknowledged. Finally, in order that a supernatural sanction should not be wanting, it was pretended that a new disease, which was named *the sacred fire*, had attached itself to the contumacious.

“ The establishment of the communes of Mans, towards the year 1070, was not a fact, isolated, and without respect to what passed in the rest of France ; it was, on the contrary, a symptom of the great revolution which was working in the opinions, the manners, and the condition of the mass of the people ; a symptom which, bearing a certain date, must serve to establish the epoch of a crowd of analogous efforts made in the other towns of France. History has not preserved the memory of these different efforts, but it has shown us the results. During the two following centuries, the cities ceased not to obtain charters to found or secure, by legitimate authority, the immunities and franchises which constituted the communal

rights ; the one availing itself of the ancient documents demanded of the princes to confirm only the privileges of which they pretended to have been long in possession ; the others acknowledged that their slow usurpations were legitimate by no title, and asked the sovereigns as a new concession, to give a legal existence to that which was still but a government of fact. All, or nearly all had, however, already conquered liberty ; they had experienced how advantageous it was to be governed by themselves, and the high price which they put upon the favour they solicited, bears witness to their experience. The idea which is formed of this event, when one attributes it to the act of the monarch's will, or the effect of his system, is completely erroneous.

“The French people owed whatever degree of liberty is enjoyed in the middle ages, to its own valour ; it acquired it as liberty must always be acquired, at the sword's point ; it profited by the divisions, the imprudence, the weakness, or the crimes of its lords, lay or ecclesiastic, to seize it from and in spite of them. It encountered as much opposition to all its pretensions in the kings as in the nobles ; it was only after having grown great by liberty, and being put in a state to offer its friends powerful assistance, that it alternately obtained the alliance of the kings against the nobles, or that of the nobles against the kings, and that it bought with its blood, as well as with its money, the charters which granted it the privileges of which it was already in possession. Then only

did it enter into the order which the kings and their ministers regarded as alone legitimate; this order being in the eleventh and twelfth century, the feudal system, the communes became part of feudality; they held their town in fee of the sovereign, as a lord would have done, less the services and fines. They thought thus to acquire more security for their rights; however, it was just at the moment when those rights were acknowledged, that they began to be exposed to usurpations, and they soon lost by the parchments, what they had acquired by the sword, and that which by the sword they could not defend.

“The origin of every commune was, as indicated by the different names by which they are designated, a *communion*, a *conjuraton*, or *confederation*, of the inhabitants of a town who were mutually engaged to defend each other. The first act of the commune was the occupation of a tower in which was set up a clock or belfry; and the first clause of the oath of all the comuners, was to repair in arms, when the bell sounded, at the place assigned them, to defend each other. From this first engagement resulted that of submitting to magistrates named by the comuners: it was the mayors, echevins, and juries, in northern France, and consuls or syndics in southern France, to whom the consent of all abandoned the sole right of directing the common efforts. Thus the militia was first created; the magistracy came afterwards. The obligation imposed on this magistracy of rendering justice fairly, whether to the members

of that association, or in the name of that association, to strangers, was nearly a necessary consequence of its creation, as it is found in all the charters. The magistracy came to have a common purse, or treasury, to pay the communal expenses; a common seal, to sanction engagements taken in the name of the community; and, in fact, it was in some wise by distinctive marks that a commune is recognised. In fine, the mutual defence would have remained incomplete, if it had been confined to the efforts of only an armed militia. The town was no sooner organized into a body politic, than it wished to be alone charged with the construction and care of the walls, the ditches, the towers, and the chains or barricades which occasionally strengthened the streets; and undertook to interdict, whether in the town, or the suburbs, every particular building of towers, fortresses, and posts of defence, without the formal consent of the magistracy.

“ But if these first conditions of the formation of a commune were alike necessary, there were others which depended on the situation of each town, and which varied infinitely. Some towns, in fact, though they were few, immediately raised a king, and these succeeded less than all the rest in freeing themselves; witness Paris and Orleans, which never obtained communal rights. Others belonged to great or little feudatories. In several, in fine, the authority was divided; the count, the viscount, and the bishop, had each a jurisdiction and a castle; often even the county or the viscounty



was divided between two or three co-heirs, each of whom had preserved a fortress with the same enclosure. It was these divided lordships, especially those which belonged entirely, or in part, to ecclesiastics, which first gave the example of a confederation among the burgesses, and the foundation of a commune.

“The inhabitants of the towns divided among many lords, were at the same time better and worse than those of the towns which belonged to one alone; each lord permitted himself to commit violence and extortion, not only over his own men, but even over those of his neighbour; but each lord saw with resentment the exactions of his neighbour, when they ruined his own men, and he did not oppose the establishment against that neighbour, in respect of the fines of plebeians, of the same kind of rule, which he reckoned himself alone dispensed from observing. On their side, the ecclesiastical sovereigns, sometimes by a touch of conscience, wished much to renounce the particularly oppressive abuses; sometimes by a generosity which cost them nothing, they consented to grant or sell charters of privileges, which were to begin to be observed only after their death.

“In spite of this struggle upon every right and all property, the population and riches increased; the wants of society, the wants of this nobility even, which did not work, but which wished that work should be done for it; which had begun to taste the enjoyments of luxury, which wished to exercise a splendid

hospitality in its castles, and which could not surpass commerce, multiplied the artisans and the merchants. To exercise their industry, these had need of more rights than the simple labourers, and these rights had given them the sentiments of their rights, and of the injustice which they experienced. Travelling had been necessary to the merchants for buying and selling, and their journeys had enlightened them, by setting them on comparisons.

“The burgesses refused no custom, just and established by usage; it was against the abuse only that they declared themselves in arms.— ‘All those who form part of the present commune,’ say they in most of their charters, ‘shall be exempt from all tax, from all unjust capture, from all forced influence, from all unreasonable exaction, whoever may be the lord whose men they are; but saving their fidelity, and saving all the ancient customs.’ Among these ancient customs, there were many which would appear sufficiently vexatious. One of the most odious pretensions of the lord was that of having among all his burgesses an unlimited credit. The burgesses oftenest consented to sell to him on credit till the accruing of a certain sum, with the understood condition of never being paid; they only arranged that the lord should not compel them to sell thus the whole of their property.

“ ‘Within the walls of the town of Soissons,’ said the burgesses of that town in their charter of community, ‘each shall come to the help of the other, loyally, and following their opinion :

he shall in nowise suffer any one to take from another anything by way of a tax, or to carry off from him any of his effects; with this exception only, that the townsmen shall give credit to the bishop for three months, for the bread, and meat, and fish, with which they furnished him; and if the bishop, at the end of three months, do not pay what has been trusted him, the burgesses shall not be obliged to give him new credit till the bishop has paid the old. As to foreign fishers, they are to credit only for fifty days, after which if they are not paid, they will have the right to seize as much of the goods belonging to the members of the commune as will serve to cover the amount of their debt.

“ ‘All the men of this commune may take what wives they wish, after having demanded permission of their lord.’

#### RISE AND PROGRESS OF THE FRENCH MUNICIPAL SYSTEM.

“ ALL the inhabitants of a town were obliged to swear community at the moment of the insurrection which gave it birth, or to go out of the town. However, two classes of persons were often disposed to refuse this oath: the priests who could not take arms to defend their fellow-citizens, and who, besides, nearly always looked with an evil eye on all the other orders of society acquiring a security of which they themselves had no need; and the knights or gentlemen who had no castles. The number

of these began to multiply in the towns. These were, for the most part, the younger members of families which had not enough wealth to fortify their dwelling in the fields, and found more security in a place where more men were assembled. A community of interest drew them to the burgesses, for without being exposed to the same affronts, they were often injured by the more powerful, by reason of their littleness; but a community of pride oftener still brought them back towards the great lords. In the most ancient commune of which we have any memorial, that of Mans, the burgesses forced the knights and their chief, Geoffrey of Mayenne, to swear fidelity to their association, and were afterwards betrayed by them. The knights had learned from the feudal system to keep faith with their superiors, but they were too proud, and had too much contempt for the burgesses, to feel any shame at deceiving those whom they regarded as beneath them.

“The towns of the duchy of France, of Normandy, of Champagne, of Burgundy, and of the lesser fiefs which surrounded them, in the centre of France, all experienced, at the end of the eleventh century, the internal fermentation which would conduct them to liberty; some actually took arms, and bound themselves by all the oaths of community; others indicated only, by more boldness in respect to their lords, that they nourished the same desires: in several, instead of the general association, which would provide most efficaciously for their

defence, were formed partial associations of trading bodies, the end of which was, as uniformly, the common defence. For these corporations, since attacked with vivacity in the name of political economy and industrial liberty, had not been formed with the views according to which they are defended; they were not intended to guarantee the manufacture of certain goods according to certain rules, to order art to go so far and no further; it was intended to give the artisans the means of repulsing an intolerable oppression, to associate the butchers against those who pretended to take the meat from their stalls without paying for it, to interest the drapers in reciprocally defending the shop of such of their brothers as were pillaged. The corporations of the tradesmen did not give the lords so much uneasiness as those of the communes; they were less powerful, and they regulated, rather than abolished, the rights which they wished to raise over the artisans. Thus, Philip Augustus, having suppressed the commune of the town of Etampes, granted, however, to the weavers of the same town, the right of forming a particular corporation, which purchased all the taxes, tolls, and collections, by a fixed contribution of twenty pounds of silver per annum, and which named four prepositors to render justice between the weavers, and to reform what there was to reform. Often, also, without permitting the establishment of a commune, the lords granted privileges to the towns, which did not differ essentially from those which the



burgesses had wished to secure themselves, but which had but the guarantee of a promise, instead of associated strength.

“ However, it does not appear that before the end of the eleventh century, the communes which were formed by these voluntary associations in the centre of France, had been recognised by the legitimate authority either of the lords, or of the king, or sanctioned by a charter, and changed into a privilege: the *grande*s always continued to regard them as usurpations or revolts, and the clergy always spoke of them in analogous terms to those which at the beginning of the following century, were employed by Guibert, Abbot of Nogent. “ The commune,” says he, “ is the name of a new and detestable invention which is thus ruled ; it is, that all the serfs and tributaries are no longer obliged to pay once a year the annual fine which they owe to their masters ; that the faults which they commit against the laws are punished by legal penalties, and they are exempt from all the exactions which it has been customary to impose on slaves.

“ But in Flanders, Belgium, and Holland, the spirit of association was older ; it was connected with the very nature of the country, by its defence against the waters. Agriculture itself could not commence, in the countries which the industry of man had seized from the floods, till the works undertaken by the corporations had strengthened the earth, and had defended it by dykes. The construction of a

*polder*\* had formed, with all those who inhabited it, and who were interested in defending it, a little republic. The counts of Flanders and the other Belgian and Batavian lords had early understood that their riches could only increase with those of their subjects; they had permitted the towns to govern themselves at a period, which, in default of documents, cannot be fixed by history, but which, at least, was evidently anterior to the enfranchisement of the towns of France; for the Flemish cities were arrived, in the course of the eleventh century, at a commercial prosperity and a population unequalled by the towns of France, even many centuries after, and which could never be attained by men who had no security either for their property or for their persons. The franchises granted in 1068, by Count Baldwin to the town of Grammont, which secured to the burgesses the election of their *echevins*, their justice, exemption from duelling, liberty of marriage, and nearly all the immunities which made part of the charter of community. But it cannot be indicated also, even when began the undoubtedly much more ancient liberty of Ghent, Bruges, Furnes, Bergh, Bourbourg, Cassel, Courtrai, Ypres, Lille, Arras, Douai, Tournai, St. Omer, and Bethune. One only notices, that in the civil war between Robert the Frisian, and Richalda of Flanders, these towns embraced the party of either according

\* Territory surrounded by earthworks to secure it from inundation.

to the passions of their citizens, not according to the will of their lords.”\*

In the twelfth century, an association of the trades of the city of Paris, who carried commodities to that city by water, was founded, called the *Parisian Hanse*. This corporation (for such it became) was as needful in those days, says M. Dulaure, to protect the goods of its members from the pillaging nobles, as a caravan is now, in crossing the deserts, from the lawless Arabs. What we observe here relates to the risks commerce was subjected to outside the walls of cities and towns; inside, the restrictions laid upon trade, through the exactions, called dues and customs, levied by kings and nobles, were, perhaps, more paralysing to it still. An agreement drawn up between King Philip Augustus, and William, Bishop of Paris, dated from Melun, in 1222, gives curious evidence of this; and manifests plainly the barbarism of the times in several other respects.

#### FEUDAL PRESCRIPTIONS.

UNDER the feudal system, the habit of encroaching, of usurping, was so general among the lay and ecclesiastical lords, that they were always on their guard, one set against the other, for fear of single acts being taken advantage of as constituting a basis for prescriptive rights. And if the inferiors of either, say the people of

\* Sismondi : “ Feudal System in France,” chap. ix.

a village, in order to obtain their good-will, rendered any of them a service, or gave him a present, these people, and all their posterity, had the favour acknowledged, not with gratitude, but were loaded with a permanent periodical burden, they being obliged to do a similar favour, or gave the like present, every year, for ever.

“The feudal knights and church dignitaries—canons, abbots, and bishops—treated each other in the same way. Woe to him who invited another to dinner, even once in a year! Ever after, he was considered bound to give another dinner annually to the same party, as long as he lived. This caused each to have a dread of being ordinarily civil to his fellows. And thus did feudalism isolate mankind from each other; thus did it become the enemy of all sociability”—*Dulaure*.\*

*Droit de Prise*.—This was a kind of legalised robbery, exercised by the princes and lords, of taking, in the king's name, and for his real or pretended use, every kind of necessary or commodity wanted, or pretendedly wanted, for the royal household. By an inevitable extension of such a *right of taking*, the heads of the feudalry came, in time, to demand the same privilege for their own castles and palaces. In the year 1367, Charles V., by an edict which tacitly recognised the *droit de prise*, ordained that such things as were indispensable for his household use might be taken by his officers; but that

\* The author gives several instances of prescriptive usurpations, in proof of what he says. “Hist. de Pairis.”

they were to be paid for—of course at such rates as the takers chose to fix. The contemporary writers of the annals of the next reign tell us how the system worked, in a few words :

“ The princes or lords, in whom was vested the functions of *presseurs* (takers), usually took enough of our substance as might have sufficed to fill large stores, rather than moderate quantities for pressing uses. Their myrmidons invaded farms, entered barns, and every place of storage, and helped themselves to whatever they thought fit ; at the same time, they forbade all cultivators, under a heavy penalty, from bringing any provision to market, till the privileged *presseurs* were first served. If resistance to that injustice was offered, it was at the peril of life. When payment was promised, it had to be asked for very humbly, else those sent to demand it, were like to be driven out of the mansions of the noble debtors with blows and contumely. Lucky was the creditor who could, any time, get payment of a part of the debt. Many cultivators of the soil, prosperous before, were thus reduced to beggary.

“ The disorders of the *droit de prise* having got beyond all bounds, Charles VI., by an edict, dated September 7, 1407, issued royal letters, forbidding all exercise of the *droit de prise*, both in the capital and provinces, during the next four years—a stinted boon, either meant only to give breathing time to the harassed and impoverished cultivators, or fearing to come into collision with the chiefs of the feudalry, by interposing for the protection of



their victims. However this may be, the odious practice continued during this and several succeeding reigns.”—*Dulaure*.

CONTINUATION OF SELECT FRENCH ANNALS,  
A.D. 1031—1125.

ROBERT II., second king of the Capetian race, was succeeded by his son, Henry I., in 1031. His mother, who disliked him, and wished his brother Robert to succeed, raised a family war, which lasted six years, and desolated the kingdom in a frightful manner. The feudalry, all this while, took sides with each party, or intermedially warred against each other; both conjoining in pillaging the wretched people in town and field. All commerce was at a stand; and as cultivation, too, nearly ceased, famines, followed by pestilences, were the natural results. At length, Henry came to a compromise with his brother, by turning over to him the dukedom of Burgundy, which had accrued to the royal family a few years before.

Henry died Oct. 1, 1060, and was succeeded by Philip I. The latter was indolent, sensual, and trafficked scandalously in church benefices, as a means to fill his coffers; in which he but imitated his father's example. His weakness of character prevented him from making any stand against the encroachments of the feudalry, who lorded it over him as well as the kingdom, unchecked. The most remarkable event of this inglorious reign was the holding the Council of

Clermont, (A.D. 1095) at which the first crusade was determined on. We may also note that, in 1103, royal charters and letters missive were first subscribed by the great functionaries of state in France, which gave them authority they did not possess before.

Philip I. died in 1108, and was succeeded by his son Louis VI., surnamed *Le Gros*, or Lusty, from his bulky make of body. He was a prince of a different character from his father; and as the events of his reign, and the close of the preceding, form an important epoch in French history and institutions, especially as regards our immediate subject, we subjoin copious extracts, illustrative of it, from the able historical work we have already drawn upon:—

“With the beginning of the twelfth century, we enter upon a new period, when the history of the French becomes more intimately connected with that of the monarchy—when the kings always had biographers and panegyrists occupied with guarding the memory of their actions, explaining their feelings or secret motives, disguising or excusing what was blameable in them, and reporting ail to them, as if they were the centre or prime movers of everything in their kingdom.

“This change was not felt in the historians alone—it operated also in things of which these historians have not traced the memory. After a long interruption of the whole action of the king in the French monarchy, one sees, at the commencement of the twelfth century, the heir

to the throne to take part in public affairs.— The forty-four years which had elapsed from the coronation of Philip I. to the end of the century, may be regarded as the period during which the royal power was the most completely annihilated in France. In fact, a man uniformly occupied with his intemperance and his debauches, who had no ministers, no council of state, no direction of public affairs, could do no more than bear the crown, and receive certain homage reserved to his rank ; but we know not how to consider him as a public functionary, or as the chief of the government. All went on without him, all made themselves independent of him, by becoming hereditary princes, or magistrates, which he had not named ; he had no business, and he did not present himself even an opportunity to consult his will. His sole function was to enjoy life very nearly as do the princes of the blood in monarchies of our day, and even when his name appears in some charter, and his authority seems to intervene, his will went for nothing ; for his only motive for signing the acts was for the emolument which his officers received on such occasions.

“ The twelfth century showed that it is in the nature of the royal power to increase uniformly as it remains solitary and survives revolutions. So long as the name of king remains, so long as the royal standard exists, all eyes naturally turn on that side. A feudal king had but prerogatives sufficiently limited ; but the constitutional nature of his power had

been defined by law in a manner sufficiently precise to check all ideas associated in other times, and in other places, to the name of king. Those who have occasion to invoke the protection of the monarch, suppose in him dormant rights, or invite him to make good those which have long since fallen into disuse ; their imagination bestows on him, with the virtues of heroes, the powers of despots ; they call him by that which is, by that which, according to them, ought to be, and they are opposed to the limits which the prince has acknowledged, the extent of the prerogatives of his predecessors. It had need of all the cowardice, and all the incapacity of each of the four first kings of the third race, to make the power of the crown descend as low as it had fallen in the eleventh century. From the time that Louis, the son of Philip, afterwards known under the name of Louis the Lusty, put himself at the head of affairs, one sees it recover its importance, and the progress of the power of the crown was from thence always increasing, until the end of the eighteenth century : not that this young prince displayed extraordinary talents, or that he had recourse to a more skilful policy, but only because his character did not repulse esteem, which the people is always so eager to accord to its masters.

“ The part of France over which Philip the First reigned, and the administration of which he then presented to his son, scarcely equalled in extent the twentieth part of present France.

“ The proper sovereignty of Philip extended

over the Isle of France and a part of Orleanois, that which answers to the five departments of the Seine, Seine and Oise, Seine and Marne, the Oise, and the Loiret. Yet this little country, which was scarcely thirty leagues from east to west, and forty from north to south, was very far from being entirely submitted to the crown ; we shall see, on the contrary, that the great business of Louis the Lusty, throughout his reign, was to reduce to obedience the counts of Chaumont and Clermont, the Lords of Montlhery, Montfort of Amaury, Coucy, Montmorency, Puiset, and a great number of other barons, who, within the boundary of the Duchy of France and of the proper domain of the kings, refused to render them any obedience.

“Northward of this petty state, the county of Vermandois, in Picardy, which belonged to Philip’s brother, scarcely answered to the two present departments, and the county of Boulogne but to a single one. But the county of Flanders comprehended a quarter ; it equalled in extent the kingdom of Philip, and much surpassed it in population and riches. The house of Champagne, divided between its two branches, of Champagne and Blois, covered only six departments, and joined the king on the south and on the east ; the house of Burgundy occupied three ; the King of England, as Duke of Normandy, possessed five ; the Duke of Brittany five others ; the Count of Anjou nearly three ; thus the nearest neighbours of the king amongst the great lords were his equals in



power. As to the country situated between the Loire and the Pyrenees, and which now comprehends thirty-three departments, though they acknowledged the sovereignty of the King of France, they were really as foreign to him as the three kingdoms of Lorraine, Burgundy, and Provence, which belonged to the emperor; these latter answered to the twenty-one departments of the present day.

“ Louis, the son of Philip, was eighteen or twenty years old when his father shared with him the crown; he was the first among the Capetians who had received that chivalrous education which gave to the French youth a noble character, but which his father and his forefathers had regarded as too crude for their high dignity. He knew, as well as any of the young squires raised at his court, how to manage a horse, and use the lance or sword; he was active, loyal, and brave; and without shining by any distinguished talent, he gained the heart by his frankness, his love of justice, and his firm determination to protect the oppressed. He early developed these virtues in a struggle, wherein he engaged against the castellan lords of the Duchy of France; his end was to force them to renounce brigandage, and to leave the ways open between Paris and Orleans; for, throughout the reign of his father, the principal barons had not ceased to rob the merchants and travellers upon the great roads, even unto the gates of the capital.

“ Louis had done his first deeds of arms against William Rufus, King of England,

when the latter attempted to subjugate Vexin, and to possess himself of Mantes and Pontoise. He had then rarely more than 200 or 300 horse under his orders, and with this little troop he would, by his activity, make head against a neighbour much more powerful and more warlike than he.

“ After the death of William had sheltered Vexin from foreign attack, Louis thought to bring back to their duty domestic enemies who were not less dangerous. The rural counts, the viscounts, and the barons, who held immediately of the king in the duchy of France, had profited by the weakness of Philip to absolutely throw off his authority in the castles where they had fortified themselves. They sallied forth to pounce upon the travellers and merchants who passed the doors of their retreats, when the latter would not consent to purchase themselves by a great ransom: they equally abused their strength against the convents and all the ecclesiastical lords. They soon came to lodge among them, with their squires, their soldiers, their horses, and their dogs, and they exacted that the religious house, where they forcibly took hospitality, should defray their expenses for a whole month; they soon obliged the peasants of the monks or the bishops to pay them fees, either in silver or in food, for the protection which the men of war promised to grant them. The barons, in particular, who were vassals of any church, seemed to make of their vassalage even a title for despoiling their ecclesiastical lords.

“ Among these, the most disorderly were Burchard, Lord of Montmorency, vassal of the Abbey of St. Denis; Matthew, Count of Beaumont-le-Roger; and Drogon, Lord of Mouchy-le-Châtel, or perhaps of Mouceaux. Louis engaged the Abbot of St. Denis to make complaints against them before the court of the king, his direct lord; Montmorency, in fact, surrendered at Poissy, to await the judgment of his peers; but, when this was pronounced, he would not conform to it; so much was the royal authority decayed, even in the immediate domain of the crown. Yet Louis having but to execute a sentence already pronounced, and feeling strongly the support which the observation of judicial forms gave him, put himself at the head of the soldiers of the church of St. Denis, which he joined to his own, he entered upon the lands of the Lord Morency; he burned his farms and his villages; he afterwards laid siege to his castle, and he thus forced him to submit to justice. He likewise attacked Mouchy-le-Châtel, which he burned, with the exception of the great tower where its lord had sought refuge; then he crossed the lands of the Count of Beaumont; he succeeded in possessing himself of Luzarches; but he experienced a route under walls of Chambly, in Beauvais; after which he was reconciled to that count.

“ Louis felt that each of the petty barons of the suburbs of Paris equalled him in strength, and united they were infinitely his superiors; he was careful, therefore, of awakening their

jealousy by enforcing against them the prerogatives of the king, his father; he presented himself only as the defender of the churches. After having defended that of St. Denis, he made war for that of Orleans, than for that of Rheims. The abuses which he suppressed were crying and intolerable; the friends of peace, as well as the friends of the monks, applauded his zeal. He is not suspected of any personal view, and the weak and the oppressed throughout the duchy of France were again accustomed to have recourse to the royal protection.

“ The towns of Paris and Orleans had both remained under the immediate domination of the king, and both were sufficiently peopled and rich enough for the burgesses to succeed in making themselves respected and defending their rights; but communication between these two towns was rarely opened; the petty lords who possessed the castles in the space which separated them, made, according to their caprice, either peace or war; and they often cut off the roads, and stopped all the king's messengers, as well as the merchants. Gui Truxel, son of Milo, Lord of Montlheri, an active and restless man, possessed, six leagues south of Paris, a tower which commanded the road to Orleans. It sufficed him to defy all the power of the King of France. ‘ I have awakened to the vexation this tower has given me,’ said Philip to his son, in the presence of Abbot Suger; ‘ the deceits of its master, and his fraudulent wickedness, have never permitted me to know the repose of a good peace,

he corrupts my followers, and renders my enemies more blood thirsty. He assembles all those who wish to destroy me, and throughout the kingdom there never was evil done in which he had not some part. Placed half-way between Corbeil and Châteaufort, he, as it were, blocks Paris on that side, and he renders it impossible to pass from Paris to Orleans without having an army for an escort.'

"The young king extended his influence and exercised his activity only within a radius of a few leagues round Paris: thus the historians who have regarded France as circumscribed by the same limits as the royal authority, consider its history as almost null at this period.

"A charter granted by Hugues II., Duke of Burgundy, in 1102, the first year of his reign, to the Abbey of St. Benignus, and to the village of Plombiere, near Dijon, deserves some moments' attention. The duke proposed to put a stop to the vexations of his officers over the lordships of his church. His father had often promised to repress them, but had not succeeded; Hugues II., on ascending the throne took the same engagement, and was not better obeyed: his charter informs us what were the different names under which the knights carried off from the clerks and liege men of the convents even the last means of their subsistence. As the fee for *commonage for persons and cattle*, they established themselves among them and eat their food without their consent; as the fee of the *Marshalsea*, they furnished the stables of the duke with the



forage of the monks or their peasants ; as the fine of *brennerie*, they carried off bran and refuse of the peasants' grain, to feed the duke's hounds ; as the fine for *lodging* they exacted that a convenient dwelling should be prepared in each manor, for the duke, his retinue, or his equipage ; it is not agreed in what manner they collected the fees of *caution*, *surprise*, *precarious tenure*, which are known to us but by name. But altogether he so ruined the peasants, that they fled from the lands of the church, and abandoned their houses and their families to escape so many vexations.

“ A third of the great vassals of the French crown, William IX., Count of Poitiers, and Duke Aquitaine, then played a most important part : his states, which corresponded with six or seven of the present departments, were much vaster than those of the King of France ; moreover, three great lords, as the Counts of Angoulême, Perigord, La-Marche, and Auvergne, were his vassals. To this power, which far surpassed that of any other French prince, he joined all the brilliant qualities of a knight and a poet. We find in him an adventurous bravery, which made him seek dangers only for the pleasure of triumphing over them, to run from tourney to tourney, and esteemed a victory obtained in a single combat, much more than if he had gained one at the head of an army. Born in 1071, and reigning from 1086, he had obtained among women the success which a high rank, bravery, and youth, rendered most easy ; he had cele-

brated them in his verses, the most ancient among those of the troubadours which have been preserved to us, and perhaps those also which most attest the unruliness of manners in 'the good old times.'

"In the year 1100, Pope Urban II. convoked a council at Poitiers, in the residence of Duke William. To carry succours to the Crusaders of the Holy Land was the principal end of this convocation. Yet the Church, then struggling with the emperor, the King of France, and nearly all the princes, especially sought different manners of exciting the enthusiasm of the warriors by whom it could be defended. Never were the prelates more frequently called on to quit their dioceses, to assemble in numerous congregations. The Council of Poitiers was already the third of the year, and yet there arrived in the month of November one hundred and forty prelates or mitred abbots, among whom were counted twenty-four archbishops or bishops. Most of the canons which were published in this assembly were in relation to the discipline of the Church ; but at the end of the council the two legates of the pope, who presided over it, wished to fulminate an excommunication against Philip I. because of his persistence in adultery.

"Duke William made himself the champion of the royal authority with a sort of chivalric audacity, and after having interdicted the council from passing out, he roused the people against the bishops ; the crowd besieged them

in the church, a clerk was killed with a stone ; most of the bishops fled ; yet those who remained were encouraged as if they were going to gather the palm of martyrs ; they pronounced the excommunication which they had prepared, and by this act of vigour intimidated the people, who dispersed.

“ After five or six years, the county of Bourges was united to the crown ; Philip had purchased it of Viscount Eudes Herpin, at the departure of the latter for the crusade. This new possession obliged him to unravel interests, with new vassals. One of these, Humbauld of St. Sévère, whose castle was situate between Bourges and Limoges, refused to render to the king the obedience and feudal services which he had until then rendered to the Viscount of Bourgos ; he counted on the affection of the armed peasants who followed his banner, upon their number, and upon the cuttings which he had made in his little territory to defend it.— Louis summoned Humbauld to appear before his peers, in order to await condemnation to do service for his fief, or to renounce it according to the Salic law ; and, upon his refusal, he advanced upon St. Sévère, to enforce his right by arms. If we ought to believe Abbot Suger, it was the personal valour of Louis which made his vassal return to duty : with his lance he transpierced a foot-soldier, and overthrew another who stopped the way ; he first crossed the palisades which surrounded the fief of St. Sévère ; he conducted his soldiers into the castle, and he inspired the baron, who defended it, with a

salutary terror, which determined him to submit to justice.

“Shortly after these events, Philip I. having long struggled against the infirmities which had weakened his head as well as his limbs, recognised the approach of death. His long intemperance had delivered him to a premature old age, for he was yet but fifty-seven years old. He was then at Melun, where it appears that in the last moments of his life, he was clothed in the habit of a benedictine monk. He experienced so lively a remorse for the disorder in which he had lived, that out of humility he did not wish to be interred at St. Denis, the ordinary sepulchre of the Kings of France.

The reign of Philip had been but a long anarchy. During those forty-eight years the royal government had existed, and no other had efficaciously taken its place. At the same time, greatly differing from the other feudal monarchies, all legislative power was suspended in France. There were no diets like those of the kingdoms of Germany and Italy, no parliament like that of England, no cortes like those of Spain, no Field of March like that of the ancient Frankish kings, no assemblages, in fine, which bound by their acts the great vassals and their subjects, and which could submit them to common laws. The French had not desired a participation in the sovereignty which they could only acquire by sacrificing their independence. Thus, two great vassals, or the subjects of two great

vassals, could scarcely believe themselves compatriots. If there were anything in common between them it was solely an opinion which formed the strength of the feudal system, that opinion, order, and duty were attached to subordination and loyalty ; even when *it* belonged not to them as Frenchmen, but as vassals, and spread itself very slowly by the example of the lesser fiefs, to the more powerful. On the other part, the anarchy which was found in the great state of the French monarchy, because all the relations between the king and the count were relaxed, was found also in the petty state of the county of Paris, or of the Duchy of France ; for the lords and barons of the crown's domains no better obeyed or respected more the prerogatives of their lord, than the great vassals those of the suzerain.

“ The anarchy was complete, the disorder seemed carried to its height, and never had the social bond in France been nearer to being broken : yet never had France made so real a progress as during these forty-eight years. Philip, at his death, left his son quite another people to that which he had received from his father : the most active monarch would never have done so much for France as she had without him done for herself during his sleep. The towns were more numerous, more populous, more opulent, and more industrious ; property had acquired a security unknown in the preceding centuries ; justice was distributed between equals, and by equals ; and the liberty of the burgesses, conquered by arms, was defended



with energy. Chivalry in the castles had inspired new virtues, it had attached glory to courtesy, and loyalty to bravery. The language was formed; it had acquired elasticity and elegance, and French or Provençal was thenceforth spoken, not from impotence to speak Latin, but to express with more simpleness and force that which was most intimately felt. Poetry had added new powers to the language, and romantic imagination seemed born during the half century which Philip had lost in indolence and intemperance.

“The progress of the mind is manifested, at the same time, by the zeal which was awakened for study, and by the glory and influence which science procured for its favourites. Unfortunately, the direction given to those studies was scarcely favourable to the progress of reason. The clergy drew all to them; it enrolled in its body, it loaded with property, it raised to the highest dignities, those who were distinguished in letters: thus all learned education had for its object either theology or scholastic philosophy; and one cannot unregrettingly reflect on the vigour of the talent, the strength of the meditation, the patient and obstinate labour, which was vainly dissipated in the research of those idle or false sciences.

“A man was then living, who seemed to have been formed by nature to serve as the torch of his century and ages to come. This was Peter Abailard, the greatest man of his age; he learned, he taught that which every one wanted to know: his faculties were pro-

portioned to his reputation, the completest which man has ever obtained while alive ; but his faculties must follow the direction which the learned world impress on all individual works. He already surpassed all the lettered man of Brittany in the extent of his knowledge, when he came to Paris. His lectures were often attended by three thousand scholars at once ; and as no room was large enough to hold them, he almost always lectured in the open air. He thus founded the reputation of the schools of Paris, and at a time when scholastic knowledge was the certain road to clerical dignities, the surest means for men of obscure birth to arrive at power and at wealth ; one sees an ardour manifested for those studies, of which preceding ages had given no example. The reputation of Abailard drew so great a crowd of students to the schools of Paris, that we are assured that their number sometimes surpassed that of the citizens.

“But this fine genius, seduced by false sciences, which alone were then cultivated, used all his power upon systems useless to man : he did not make in his age progress worthy of so much glory, and he has left to future ages no honoured monument for their admiration. His memory is now preserved only as a hero of romance, because of his ardent, but selfish love for Heloise, niece of canon Fulbert, whom he had promised to instruct, and whom he had seduced ; because of the much more tender, the more touching, and more impassioned love of Heloise for him ; and because of the vengeance

which the canon Fulbert drew on his incontinence."

"Thus began, in 1108, the reign of Louis VI., which lasted twenty-nine years. This reign comprehends an important period in the history of the French, whether from the progress made by the people in the communes, whose rights scarcely began till this epoch, to be sanctioned by legal authority; whether by the no less marked progress made by the central power in the monarchy: for, instead of being lost as under the first Philip, between the Seine and the Oise, it really began to be felt from the Meuse to the Pyrenees; or, in fine, by the developement at the same time received by the feudal system: this latter, profiting by the progress of enlightenment, and by the study of other systems of legislation, then acquired a regularity and an authority which one dares not dispute. But despite the important results of the reign of Louis the Lusty, that period is filled only by a series of petty deeds of arms, in which the king, with indefatigable activity, yearly fought in divers places, followed only by a handful of knights.

"Alix, or Adelaide, sister of Henry, King of England, and widow of Stephen, Count of Chartres and of Blois, who had died in the Holy Land, was the guardian of her son, Theobald IV., who had scarcely arrived at adolescence; she who had recourse to the king to complain of the brigandages of the Lord of Puiset, who plundered travellers under the gates of Chartres. Louis VI. assigned the parties to

Melun to judge between them. ‘Many archbishops, bishops, clerks, and monks,’ says Suger, who himself was present at the court which the king held at Melun, ‘assembled there with clamour; they threw themselves at his feet in spite of him; they besought him to curb Hugues, that rapacious robber, who devoured their lands like a ravenous wolf. They told him to carry off from the gorge of the dragon those prebends which the magnificence of the kings had granted to the servants of God, in Beauce, a province fertile in wheat; and to remember that the lands of the priests, even during the tyranny of Pharaoh, had alone been preserved from exactions.’ The Lord of Puiset did not appear at Melun to answer these accusations, and Louis, in 1111, conducted his men-at-arms to attack the castle of the young baron, before which he gave a meeting to Theobald IV., Count of Chartres and Blois, who, in this expedition, first took arms. Hugues defended himself valiantly; yet the soldiers of the king, and those of the count, suddenly, and on two different sides, forced an entry into the castle. The lord, who was refuged in the *tour maîtresse* (donjon, or keep) was soon obliged to surrender. Louis, at the same time as he conducted him into his prisons of Castle-Landoff, or Chateau-Landon, gave the order to raze the castle of Puiset, which appeared to him only able to serve as the haunt of brigandage.—Count Theobald, on the contrary, demanded that this castle should be delivered to him to fortify his frontier. The rights of the king and

the count over this fere fee were vainly discussed, and when they separated, their opposite pretensions had already rendered them each other's enemies.

“ The domain of Louis the Lusty was, as it were, bounded by the towns of Paris, Orleans, Etampes, Melun, and Compègne: and it was from thence that he drew all his resources, and the little money of which he disposed. All the intermediate space between these towns was occupied by barons, who, fortified in their castles, were almost habitually in a state of revolt against him. Louis had then a lively interest in favouring the cities to which he owed all his power, and his only means of struggling against a turbulent nobility. Commerce and manufactures were the means of life for the inhabitants of these towns, and Louis protected this commerce with all his might; the origin of these wars against the barons was, nearly always, the justice which he wished to render to the merchants whom the gentlemen had robbed upon the great roads. He also granted them, by letters patent, several privileges and good customs. Etampes obtained, from 1123, exemptions from taille, and guarantees for its merchandise. Orleans received from Louis VII., at his accession, a no less advantageous charter, which probably did but confirm the privileges already granted by his father. The burgesses of Paris were favoured in the pursuit of their debtors, by an ordinance of 1134, which brought justice nearer to their doors. But none of the towns obtained from



Louis the Lusty permission to constitute a commune; four out of the five never arrived at that degree of liberty: the town of Compiègne alone was erected into a commune half a century later, in 1153, when the king's domain being already more extensive, he was less reluctant to detach from it a little town.

“ But in the towns which acknowledged another lord than the king, and especially an ecclesiastical lord, Louis the Lusty early began to favour the progress of a liberty which would give him new subjects, or, at least, more powerful allies. According to Orderic Vitalis, ‘ to repress the tyranny of brigands, and of seditious men, he was forced to demand the help of the bishops in all Gaul; then *the popular commune* was established in France by the prelates, for the priests accompanied the king in the sieges and combats, with their flags, and all their parishioners.’ In effect, at the siege of Puiset, it seems, according to Abbot Suger, that the vassals of St. Denis, in Beauce, fought under the orders of their curates, one of whom took a principal part in the taking of the castle, and they are designated in the army under the name of communes.

“ However, in the episcopal towns, where the fermentation of liberty began to make itself felt, Louis the fat had not yet embraced a party according to general principle, and he had not followed a uniform policy. The burgesses were associated, they were promised mutual protection, a liberal administration of justice, and the repression of the brigandages of the gentlemen,

These, on their side, united their efforts to annihilate that which they called the *detestable communes*. The king was alternately invoked by the two parties, and Louis, who took little interest in the towns when they were not in his immediate domains, oftenest determined between them and their enemies according to the money which he was offered.

“The two towns which had been enriched by the residence of the last kings of the second race, Laon and Rheims, become, at the commencement of the third, essentially episcopal towns, were thus among the first to pretend to communal rights, and to put themselves into possession of liberty. The chronicle of Rheims, in its extreme brevity, is content to make mention, in a line, of a rising of the people in 1122, and of the establishment of a republic by the oaths of the citizens, in 1140. The dissensions of the community of Laon are, on the contrary, related with most fatiguing prolixity by Abbot Guibert, of Nogent. If he may be believed, in no town were morals more corrupt, or a more revolting brigandage exercised by the burgesses against the country people, and it was no longer possible to obtain justice in causes, whether civil or criminal. ‘Thieving, brigandage, were publicly committed by the first men of the town, or by their domestics; no person could walk in security in the streets during the night; at that hour one might always expect to be despoiled, made prisoner, or killed. The clergy, with the archdeacons and lords, having considered these things, and seeking opportunities

to draw money from the people, sent them messengers to offer them their consent to their forming a commune, if they would give enough money to obtain leave. Now a commune, a new and execrable name, consists in this: that the tributaries are obliged to pay to their masters only once a year the accustomed debt of their servitude; that if they commit any fault, they are furnished by a fine fixed by the laws, and they are rendered exempt from all other exactions of tributes which one has been accustomed to inflict on slaves. The people having obtained this opportunity of purchasing itself, spared not the heaps of money which it had in reserve for these devouring mouths; and the latter, appeased by an abundant nourishment, engaged by oaths to keep faith in this negociation.

“It is probable that these are the first two towns which, in this part of France, had obtained a legal establishment of their liberty. The burgesses of Laon offered Louis VI. four hundred pounds of silver to grant them a charter conformable to that of Noyon and St. Quentin. ‘The king,’ says the Abbot of Nogent, ‘was forced by this plebeian largess; he could not refuse to confirm their liberties by oath. Good God! who could say how many presents were received from these people, how many oaths were given it in exchange, and how much trouble it must afterwards take to bring back to their former condition these slaves whom one has a first time permitted to throw off the yoke!’

“ In fact, after having shared the money of the Laonnois, the bishops and grandees longed to bring them back to their former slavery; they offered seven hundred pounds of silver to Louis, to engage him to destroy the commune which he had sanctioned, and the king determined to do what he was urged by his courtiers, who alone profited by the money he received, on the 25th April, 1112, conducted his men-at-arms to Laon. Once admitted into the town, he declared that he revoked the charter so recently confirmed by his own oaths, by those of the bishop, of the nobility, and of the burgesses. The people tremblingly submitted, and the gentlemen immediately began to extort from the burgesses the seven hundred pounds of silver which must be paid to the king for the destruction of their liberty. The patience of the inhabitants of Laon lasted, however, no longer than the presence of the king, and, on the 29th of the same month, the whole town rose to the cry of *Long live the commune!* But, instead of now thinking of stipulating for their liberty, with chiefs who took no account of their oaths, the insurgents attended only to their thirst for vengeance. Bishop Galdric was massacred; the nobles who had promised him help against the people were, for the most part, slain with him; a conflagration, lighted during the fight, consumed many of the most beautiful buildings in the city: when the burgesses, frightened at the very excesses which they had committed, fled or concealed themselves, the peasants entered into the town and pillaged

their houses ; finally, the citizens, most zealous for the commune, were obliged to have recourse to the protection of Thomas Marne, son of Engherrand of Coucy. They knew, however, his cruelty and his brigandage ; but this baron alone appeared disposed to defend them, and was not afraid of having, at once, to fight the king, the nobles, and the clergy.

“ The misfortunes of the inhabitants of Laon did not hinder those of Amiens from nearly following their example : they felt that the passing disasters of a revolution are far from equalling the daily sufferings of a constant oppression. They asked to govern themselves as a commune, and their bishop, as well as the viscount of the town, gave their consent. The king was the more easily determined to grant them the privilege, that the town did not belong to him. Engherrand of Coucy was Count of Amiens ; he thought himself master of that city by means of the great and strong tower where he was garrisoned ; but on the other hand, his execrable character and his tyrannical government had rendered him the object of universal aversion, and it was against him that the burgesses of Amiens wished to establish their liberty. He essayed to oppose them by force, and the burgesses invoked the aid of his son, Thomas of Marne, with whom he was embroiled. The two tyrants were soon reconciled ; yet the inhabitants of Amiens, left alone exposed to their united efforts, were not disconcerted ; frightful dangers surrounded



them, their commune could only be secured by great sacrifices: they hesitated not to resolve.

“Perhaps Louis the Fat would have left the communes of Amiens and Laon, each on its own part, to decide their quarrels with their lords, if Thomas of Marne had not drawn upon himself, and upon those provinces, the attention of the king and that of France, by acts of the most frightful cruelty. ‘This lord,’ says the Abbot of Nogent, ‘son of Engherrand of Coucy, had, from his earliest youth, incessantly augmented his riches by the pillage of travellers and pilgrims, and he had extended his domination by incestuous marriages with rich heiresses who were his relations. His cruelty was so unheard of, that the butchers, who however pass as unfeeling, spare more grief in killing cattle than he spares in slaying men; for he is not content to punish them with the sword, for determined faults, as is customary; he tears them to pieces with the most horrible torments. When he wishes to snatch a ransom from his captives, he suspends them by some delicate part of their bodies; or lays them upon the earth, and covering them with stones he walks over them, striking them at the same time until they promise all that he demands, or they are almost dead with pain.

“It was especially since Thomas of Marne had acquired, by marriage, the almost impregnable castle of Montagu, that he had become the terror of Picardy. He was condemned by a council assembled at Beauvais in 1114, for brigandages which he had exercised upon the

convents and churches ; and Louis, at the instances of the priests, engaged to pursue him even to extermination. In doing this he proposed at once to defend the commune of Amiens, which Thomas of Marne had attacked, and to punish the partisans of the commune of Laon, which the same Thomas had defended. The same desires for the same rights, and sentiments equally noble, animated the burgesses in both towns ; but the monarch and the gentlemen, according to their wont, saw in that quarrel only the money they might gain : thus they did not scruple to embrace at the same time, in two different towns, two opposite parties.”

“ The first charters of community were granted by Louis le Gros. Superficial writers have seized this notion, and a vague knowledge of the troubles of the feudality, to make Louis the champion of popular liberties, and to represent him as acting according to a regular project which tended to the abasement of the nobility. They have affirmed that he wished to destroy the power of the lords, and especially to raise up enemies in their own states, in order thus to lay the foundations of the royal power, on the new alliance of the throne with the burgesses.

“ Those who make Louis VI. play so great a part, have conceived these projects rather after the sentiments and interests of our day, than after the study of the ancient monuments ; they have formed a false idea, both of the character of this monarch, and of the bearing of

his mind. Brave, active, benevolent, but contracted, Louis saw not a future so far off; he understood not beforehand a time altogether different from his own, and though he had ambition, he had also too much loyalty to seek to satisfy it by ways so indirect. He made war on the counts and barons, vassals of the crown, for just causes; but he sought not, by a Machiavelian combination, to cast into their states the germs of future dissensions. The infeudation of the land had left him no other immediate subjects than the burgesses of four or five towns; he protected these burgesses, secured their commerce, upon which his own revenues were seated, against the exactions of the neighbouring barons; he defended or avenged their persons from the brigandages of some gentlemen, but he granted not to these towns the rights of community. He wished much that his burgesses should enjoy the security which justice gives, but he had no desire to despoil himself in their favour, or to institute a republic within their walls. On the other part, Louis the Lusty did not establish communes in the lands of his vassals; he had neither the right nor the power; and though in later times, legists have in principal established that it belonged to the crown alone to found communes, the kings were very far from raising such a pretension at the beginning of the twelfth century. Communes were instituted in the meantime in all parts of France, but it was by the great vassals and not by Louis the Lusty. The Duke of Normandy, the Count of Flanders, the

Count of Toulouse, or even the less powerful lords, as the Count of Vermandois, and the Count of Maine, sanctioned by their own authority the communes which were established in their states; they would never permit the king to meddle with their institution.

“It was then only in the towns where the lordships were divided, and where, by consequence, the count or bishop could not give sufficient security, that the burgesses thought of having recourse to the king, as the common arbitrator between equal powers; then they purchased of him a charter of protection, the concession of which only presented itself, in the eyes of Louis the Lusty, as bringing him a simple pecuniary advantage. This transaction was, besides, far from being frequent. One finds during this reign certain documents only upon eight communes established in the towns which he confirmed.

“The eight communes to which Louis the Lusty granted charters, of which a precise indication has been preserved, that is, Beauvais, Noyon, Soissons, Laon, St. Quentin, Amiens, Abbeville, and St. Riquier, are all situated at a little distance from each other, in countries bathed by the Oise and the Somme. None belonged to a lord powerful enough for the burgesses to be willingly content with his guarantee, without its being confirmed by the king.

“In the towns of Soissons and Amiens, the bishop shared the sovereignty with a particular count, and neither of them was sufficiently

powerful to guarantee, alone, the charters to which he had given his consent. We have seen that the house of Coucy, which possessed the county of Amiens, and which had rendered itself odious by many acts of cruelty and brigandage, only preserved its rights with the aid of a great tower, which it kept garrisoned in the interior of the town. Guibert, Abbot of Nogent, draws a no more advantageous portrait of the Counts of Soissons, whom he accuses of protecting heresy, Judaism, and all crimes. The conflict of jurisdiction between the count and the bishop, in both towns, had made the burgesses recognise the necessity of protecting themselves, by associating in communes. The same conflict made them feel the necessity of begging of the king the confirmation of privileges to which their direct lords could not give a sufficient guarantee. Louis VI. determined to confirm the commune in these two towns, upon the invitation of their two prelates, Geoffrey, Bishop of Amiens, and Lisiard, Bishop of Soissons.

“Louis the Lusty never essayed to grant the rights of community to a city situated within the bounds of a great fief, in spite of the proprietor of that fief; never did he wish to draw the vassals from their obedience to their lords. He allowed to be made, and he afterwards sanctioned, fixed arrangements between the lords and the burgesses; he recognised the treaties of peace dictated by the interest of the contracting parties, and he did it nearly always by means of pecuniary compensation. There is no



motive for regarding this king as the founder of the liberties of the third estate, or as the enemy of the privileges of the nobility.

“ Besides, if the authority of Louis VI. intervened in favour of the communes, only in a small number of towns, it does not show that at the same epoch, the fermentation was not universal among the burgesses, and that it was not at the beginning of the twelfth century that must be dated the enfranchisement of nearly all the cities; only that the cause of the liberty was debated between the vassals and their lords without any appeal to the royal authority. At Angers, in 1115, Foulques V. not wishing to accede to the demands of the friends of liberty, an insurrection, upon which we have no details, made the count feel that he must give way to the spirit of the age. At Poitiers, William IX. who died in 1127, had granted to the burgesses numerous privileges and rights of community, which Philip Augustus confirmed in 1204, when that town passed under his domination. The towns of Normandy had obtained the rights of community of the first of their dukes, who became Kings of England; the towns of the south and those of the east obtained them of their different counts; the cities which in the three kingdoms of Lorraine, Burgundy, and Provence, belonged to the emperor, had made no less rapid progress towards liberty.

“ In the Duchy of Lorraine as well as in France, the real enfranchisement of the towns

preceded the royal or ducal charters which guaranteed their rights.

“ Instead of ascribing to Louis the Fat such extensive views and so prolonged an influence, we shall content ourselves with seeing him as history has given him. This was a loyal and humane man, though some of his military exploits were soiled with gratuitous cruelties : active in spite of the obstacle which his increasing corpulence seemed to place to his labours, he spared neither his security, nor his repose, whenever the honour of his crown appeared to him compromised. He did not want talent, but he was particularly happily served by circumstances : thus, after having passed his youth in conquering the lords of petty castles, he was called on to struggle in mature age with rivals more worthy of him, and for more important objects.

“ Louis VI., the year before his marriage, had been reduced to conclude with the King of England a disadvantageous peace : at the end of two years just provocations made him again take up arms, and in this new struggle he manifested neither less constancy nor less valour. In the north, this struggle between the French and the Normans ; to the south the relations of the Provençaux with Spain ; on the east, the end of the war of investitures and the extinction of the house of Franconia, filled the space of time comprised in this chapter, or the second period of the reign of Louis.

“ In the meantime, Louis declared himself the protector of William Cliton, son of

Robert, Duke of Normandy. This young prince was come to an age which rendered him fit to govern his father's states. His exile, the implacableness of his uncle and persecutor, the long captivity of Robert Courte-Heuse, during which there had been time to forget his faults, to think only of the mildness of his character, and the glory which he had acquired in the Holy Land ; finally, the harshness with which Henry had treated many of his feudatories, and especially Robert of Belesme, had inspired all the nobility of Normandy with regret for times past, compassion for the despoiled princes, and the desire for change. Louis offered the Norman lords to establish William, as the legitimate son and heir of their prince, upon the ducal throne of Normandy. This even led to instant war.

“ The campaign opened with some reciprocal surprises. Henry was the first to render himself master unawares of the fort of St. Claire. On his side, Louis presented himself at the gates of the convent of St. Ouen with a handful of soldiers, clothed, like him, in the habits of monks : he was admitted without mistrust : then he showed all on a sudden the arms which he wore beneath his frock ; he possessed himself of this religious house, which commanded the fort of St. Nicaise, and he left a garrison which spread its devastations into Normandy. In the meantime, Engherrand of Chaumont, seized Andely ; and Amaury of Montfort, who until then had been one of Louis's most active enemies, addressed himself to Henry to

obtain the heritage of the Count of Evreux, who had died. The King of England would not acknowledge his right; and Montfort having allied himself to the King of France, seized by main force on the county of Evreux. The Count of Anjou, who had entered Normandy on the side of Alençon, besieged, took, and razed the castle of Mothe-Gauthier, which Henry had fortified. Baldwin-à-la-Hache penetrated by the north into the duchy, with his Flemings; as he advanced, he took each place in the name of Duke William Cliton, only son and legitimate successor of Robert Courte-Heuse. The Norman lords, who until then appeared devoted to Henry, seized this moment for their rising. Hugues of Gournai, Stephen, Count of Aumale, Henry, Count of Eu, Eustace of Breteuil, Renaud of Bailleul, and Robert of Neubourg, simultaneously raised the standard of William. A conspiracy in the very Court of Henry, among his valets and favourites, caused him still more terror. It is true that he succeeded in shutting up in a tower of Rouen the Counts of Eu and Gournai; but, from the castle of that town, he could see the flames lit up throughout the province, by the Count of Flanders, and he dared not go out to hold the country against him, because he must necessarily entrust his fortresses to Norman garrisons, and as all which was not English or Breton had to him become suspected. A happy accident, however, delivered him from the most dangerous of his adversaries. The chivalrous opinions nourished by the cru-

sade had made personal bravery honourable ; all the kings, all the princes, were soldiers, and it was not by skilful military combinations that they sought to distinguish themselves, but by struggling front to front with their enemies. In one of the combats in which Baldwin of Flanders had shown the utmost audacity, he was wounded by a knight named Hugues Botterel ; he was transported to Aumale, where, without regard to a dangerous wound, he gave himself up to intemperance. A slow fever was the consequence, and thenceforth he did but languish, until the month of June, in the following year, when he died.

“ Eighteen of the principal lords of Normandy had joined the party of Duke William, and King Henry was daily warned of some new rebellion. The only sons of Alix of England—that is, Theobald, Count of Blois, and his brother Stephen, who, by right of his wife, was Count of Boulogne, remained faithful to King Henry. He, to reward their zeal, gave to Stephen the county of Mortagne, and that of Alençon ; but this young prince conducted himself in so tyrannical a manner, that the burgesses of Alençon drove him out, and delivered their town to the Count of Anjou.— This insurrection took place in the month of December, and the year was terminated in the most threatening manner for the King of England.

“ At the beginning of the year 1119, King Henry saw himself abandoned by another of his vassals, upon whose fidelity he had not been



able to conceive a doubt. This was Eustace of Breteuil, to whom he had given in marriage his natural daughter, Juliana. Eustace, profiting by the embarrassment in which he saw his father-in-law, demanded of him the gift of the tower of Ivry, which had belonged to his predecessors. Henry would not part with it ; but in order to give the Count of Breteuil a guarantee that this tower should never be employed injuriously for him, he obliged Harenc (this was the name of the man who had the command of it) to send his son as a hostage to the Count of Breteuil, whilst he made him deliver to himself the two daughters whom the count had had by his daughter Juliana. He seemed thus to have established between them a mutual security, which would answer for their fidelity, if the violence of the passions among ferocious men had been able to be fettered either by the ties of blood, or by the danger of their relations. Eustace of Breteuil, who could not think that his daughters ran any danger in the hands of their grandfather, summoned the governor of the tower of Ivry to open to him that fortress, if he wished not that his son should be delivered under his eyes to the most horrible treatment ; and as the latter refused to lose his castle, and violate his oath, Eustace immediately tore out the eyes of the young man, and sent them to the unhappy Raoul of Harenc. Raoul went to throw himself at Henry's feet, to demand justice of the outrage which had been done under the royal faith. Pity for a brave and faithful knight,

and resentment against his son-in-law, were victorious in the heart of the King of England over the love of his blood. He abandoned to the vengeance of Raoul his own granddaughters, whom he kept as hostages, and of whom, in terrible reprisal, Raoul tore out the eyes, and cut off the noses.

“ The governor of Ivry afterwards announced to the Count of Breteuil that his barbarity had fallen upon his children ; that they were mutilated as his son had been, but that their lives still assured the life of his son, and that the tower would not be given up to him. At the news of this frightful vengeance, the Count of Breteuil set up the flags of France, and began to make war on his father-in-law. Yet the inhabitants of Breteuil would not second him in his rebellion ; they opened the town to Henry. Juliana, who was then there, had only time to take refuge in the citadel : she was besieged by the king, her father ; provisions failed her, and she was soon reduced to capitulate. Her father would grant her shameful conditions only : the bridge which united the citadel to the town had been cut off ; the King of England would not permit it to be erected again to allow of the passage of Juliana. He exacted that after being stripped of her clothes above the waist, and exposed to the cold of the month of February, to the sight and laughter of the whole army, she should be let down with cords from the top of the walls, into the ditch full of water, where he would take her.

“ Neither Louis VI. nor Henry I. could

assemble numerous armies ; thus they sought not to terminate the war by great battles, but rather to reciprocally carry off their best castles by surprise. Whilst Henry attacked those of Rainaud of Bailleul, who had revolted against him, Louis profited by the offer which had been made him by a rich inhabitant of Andelay, named Ascelin, to introduce his troops into that town. A party of French was concealed by Ascelin in a barn ; and at the moment when Louis gave the alarm, by approaching with the rest of his soldiers, the first threw himself into the fortress, as if to defend it, repeating the war cry of the English, *God help us !* but when they became masters of the gate, they rent the air with the cry of the French, *Montjoie !* The combatants spoke the same language, they were of the same origin, they wore the same clothes ; for the soldiers were not yet distinguished by uniforms ; armorial bearings which they sometimes added, showed the house which they served, rather than the party which they had embraced ; and the flag for the body of the army, the war cry for isolated men, alone distinguished the combatants.

“ Since the renewal of hostilities fortune had appeared constantly contrary to the King of England ; nearly all the lords of Normandy, touched by the youth and destitution of William, the son of Robert, whom they regarded as their legitimate sovereign, had taken up arms in his favour ; those who remained faithful to Henry made him pay for their services at the

highest price. The conspiracies which he had discovered in his own house inspired him with so much mistrust, that he never dared to sleep two nights running in the same bed. However, by his activity and courage, he reduced most of the Norman lords who had declared against him to obedience.

“Louis the Lusty, losing, in the middle of summer, the two allies by whose aid he had begun the war, remained alone fighting with Henry I. He was not, however, discouraged; and he continued by his activity and personal bravery to give his rival uneasiness. He had not great military talents, but it was no longer by learned combinations that he sought success. At the head of a handful of knights, performing himself, equally with any of them, the trade of a soldier, he threatened the castles, and pillaged the fields of Normandy. After some insignificant hostilities, a peace was patched up, by the intervention of Pope Calixtus II.

“A gentleman of Languedoc, Pons, of Laraze, gave, in 1135, an example of this devotional fervour, which sometimes seized warriors; he had long devastated by his brigandages the province of Lodeve; and the castle of Laraze, the name of which he bore, was strong enough to shelter him from all attacks, and to conceal all the booty which he carried off from the merchants and travellers. Yet Pons, touched by sudden repentance, had one day abandoned this course of life. He had a wife and a daughter; he shut them up in the convent of Drinant; a son he made a monk of

St. Sauveur ; then he sold all his goods, and with six knights who had shared his brigandages, and who now shared his remorse, went in his shirt with naked feet, attached by the neck to a sorry bond, and whipping himself all along the road, before the Bishop of Lodeve, who expected him on Palm Sunday, with all the crowd assembled for divine service : he read, in a loud voice, his universal confession, while they continued to beat him ; after which he undertook, with his companions, the number of whom soon began to increase, a pilgrimage to St. James of Compostello, begging his bread by the way. After this sanctuary he visited several others ; he took counsel of the superiors of divers monasteries, and he finally founded the convent of Salvanez, in the diocese of Vabres, of which he was the first abbot.

“ In the eyes of Louis the Lusty, and of all his court, it was a miracle that this king still lived, so much had he been slowly undermined by sickness, which seemed at once the consequence of his passion for the table, and of his weakness. After having so long made war to subdue the petty castles, and put down the petty barons, when he could no longer stir, they offered him, upon his death-bed, a sovereignty which extended, with little interruption, from the banks of the Adour to those of the Loire, and to which belonged, by different feudal tenures, a number of counties, of viscounties and baronies, sufficient to render the Duke of Aquitaine equal in power to the King of the French.



“ Louis immediately gave orders for his son, Louis, accompanied by the most brilliant of his court, to repair to Bordeaux, in order to seek Eleanor of Aquitaine, the spouse who was destined for him. Theobald, Count of Champagne, and Raoul, Count of Vermandois, considered it an honour to enter with Suger, Abbot of St. Denis, into the train of the young prince: equal in power to kings, they had learned, from the feudal system, to respect him whom they had no cause to fear. The idea of suzerainty, and the distinction of titles, seemed with each generation to acquire more importance; and William of Poitiers himself had given way to this illusion, by wishing to make his daughter a queen, instead of being contented with leaving her the ducal crown, which he held from his fathers. Louis amply provided from his treasury, for the expenses to which his son's train would be put during his journey, and he urgently recommended the barons and knights who accompanied it, to avoid all pillage, all violence, all extortion, so as not to alienate the new subjects, who gave themselves up to him voluntarily.

“ Whilst Louis the younger wended his way towards Southern Gaul, Stephen, landing at La Hogue in the middle of March, had taken possession of Normandy; he had, in the month of May, a conference with Louis the Lusty; he had done him homage for that duchy, and he had at the same time concluded an arrangement with his elder brother, Theobald, Count of Champagne, to whom he promised to pay

annually three thousand marks of silver, in compensation of the rights which the latter pretended to have over the crown of England.

“All the great vassals of the crown seemed, therefore, at the same time, to acknowledge the supremacy of the house of France, which they had so long disputed; and the conquest which Louis the Lusty made pacifically, at the end of his reign, infinitely surpassed in importance all that the house of Capet had successively made, during a hundred and fifty years’ fighting. But young Louis, who was also called Louis-Florus, seemed to march to the altar in the midst of funeral torches. His future father-in-law had not expected him in his States. He had departed upon his pilgrimage, and arrived at St. James of Compostello; he had died in that church on the 9th of April, whilst he was reading the gospel. Louis, who on the 30th of June, had made his entry into Limoges, was received upon the banks of the Garonne, by all the lords of Guienne, Poitou, and Santonges. His marriage with Eleanor was celebrated on a Sunday, in the month of July, and he was at the same time crowned with her. The spouses afterwards set out for Paris; and when they arrived at Poitiers, they learned that, on the 1st of August, Louis the Lusty had succumbed to the malady which had been long undermining his health, and which the heat of summer had irritated.”\*

\* “History of the Feudal System” in France, by M. Sismonde de Sismondi.

A FEW MORE SELECT ANNALS OF FRANCE,  
A.D. 1137—1165.

LOUIS VI., dying in 1137, was succeeded by his son Louis VII., surnamed "the Young,"—for what reason does not appear. The latter either disapproved of his father's example, of extending the franchise of communes, or else he was forced into an opposite line of policy by feudal constraint; for we find a contemporary annalist recording, that "in order to prevent the evils which ordinarily follow on the death of a king, such as revolts, rapines, &c., upon the first sure news of his father's death arriving, he left Bordeaux suddenly, where he then was, and repaired to Orleans. This last city being then greatly troubled by some *insensate men*, who, in prejudice of the royal power, asked for a communal charter; he, however, repressed all such audacious demands. Several of the more forward were punished with death or tortures." Dulaure says, also, that religious opposing influences were at work, at that time, against enfranchising the towns; and mentions that the king took arms against the townsmen of Vezelai, who, having obtained from their feudal suzerain, the Count of Nevres, a communal charter, they were not allowed to use it, through the opposition of the monks of the abbey of that town.—(*Histoire de Paris, &c.*)

The same king, as immediate lord, regal and feudal, of the city of Paris, granted it certain municipal privileges, of no great import. And

he put under some regulation the regal *droit de prise*, or right of entering private houses, and taking out of them any article for the use of the royal palace, each time he came to change his residence.\* The feudalry exercised the same right on a smaller scale, in the houses of their vassals. And in both cases it was usual, when the needs of the masters were served, for their myrmidons to continue the *cherauchée*, or hunt, on their own account. The latter excess was forbidden, by a royal ordinance, in 1165.

Louis VII. was scarcely an average king. He had a choleric temper, and once committed a horrible act of cruelty at Vitre, in Champagne, where, in 1142, to revenge himself upon the Count Thibaut, for giving him a slight umbrage, having taken and sacked the town, he, *with his own hands*, set fire to the great church, in which 1200 of the hunted people had taken refuge, upon which they were, every one, burnt alive. As an *expiation*, he went to Palestine, on a crusade. In 1152, having taken a dislike to his queen, Eleanor, he imprudently repudiated her, and had to return to her the provinces of Guyenne, Aquitaine, and Gascony, all of which she gave, along with her hand, two months afterwards to Henry II. of England. Of course Louis had, as a necessary consequence, the enmity of the English king and queen (a woman of masculine character) to encounter, with aug-

\* At that time, and for long afterwards, kings had complete furniture and equipments for one royal dwelling; and these were infinitely worse mounted than the houses of middle class families now-a-days.

mented powers of manifesting their hostility. Two sanguinary wars with England his people had to endure, A.D. 1156-1160, and A.D. 1171-1177. In 1180, Louis died, and was succeeded by his son, Philip Augustus, so called because he was born in August.

"This king," says Dulaure," was not free from the vices and erroneous views of his age; but he had a strong will, and much energy of character, which enabled him to keep under a curb the chiefs of his feudalry. Some of his repressive measures against them, unjust in themselves, were useful to the nation, for it led to a substitution of one tyranny for that of many, and thus opened up a road to future ameliorations." He committed the folly of leaving his kingdom for several years (A.D. 1188-1192) to crusade in Palestine. On his return, taking a mean advantage of the absence of his fellow-crusading king, Richard I. of England, he seized part of Normandy. This led to a war, which was closed by the death of Richard while besieging Chalons, in 1199. He got into trouble previously with the Holy See, through his wives. After a rather prosperous reign, he died July 14, 1223, and was succeeded by his son Louis VIII., called "the Lion," possibly because of the *courage* he displayed in his wars, both while prince and king, against the Albigenses. He died of poison, as is said, at the siege of Avignon, in 1226, and his eldest son, a minor, was proclaimed king, as Louis IX., who, for his virtues, but more for his devotion to the Papal See, was afterwards canonized.



## FEUDAL VILLANIES.

CARDINAL JACQUES DE VITRY, writing early in the thirteenth century, in a chapter of his "History of the West," headed "Concerning the rapines and exactions committed (in France) by the great lords and their satellites," proceeds thus:—"Though our Saviour says, 'it is more blessed to give than to receive,' the men of our time, especially those who have sway over others, do not confine themselves to extorting money from their subjects, by exacting from them illicit dues, but, yet worse, indulge in robberies by violence, sometimes open, at other times secret, from the unhappy objects of their cruel tyranny. These lords, despite their pompous titles and pride, do not, in fact, disdain to rob men upon the roads, which they infest in bands in search of *prey*. They ravage lands, too, without mercy, and burn crops, woods, and houses. They respect no sanctuary, not even those of the church; they even attack monasteries, and plunder them without mercy.

"When any dispute arises between their dependants about property, they settle the matter by confiscation of it all.

"We see them on the highways, cased in iron, plunder all they meet, not even excepting pilgrims or religieux.

"Do they want to get rid of any who are obnoxious to them, but creditable in the eyes of all else, they have human bloodhounds at command, who dog their steps in country or town, and murder them.

“Some take to the seas, and become pirates, regarding not the wrath of God, and pillage the ships of merchants, killing them and their sailors, and throwing them into the waves.

“Princes and chief nobles are associated with these wretches, having a share in their booty. Such patrons are similar to famished hounds, who dispute with ravens for the possession of carrion.

“The nobles, by means of their provosts and other satellites, in their courts, despoil widows and orphans of their substance and rights, lay snares for their clients, raise litigations, and bring charges of unreal offences, in order to extort compositions by fear.

“It is quite usual with them to throw into their dungeons, and load with chains, men guilty of no crime, and to torture the innocent, to induce them to yield up sums of money. They do these things to supply their own prodigalities, their luxuries, and extravagance. It is that they may appear in state of tournaments, to meet the exactions of usurers, from whom they have borrowed more money than they are able to pay, to maintain mummers, *jongleurs*, parasites, actors, and flatterers;—it is for the benefit of such as these that they despoil and torture their victims.”

“Such then,” says M. Dulaure, “was the real character, those the usual doings, of the ‘brave knights’ and feudal ‘heroes’ of the twelfth and thirteenth centuries, whose nice honour and generous sentiments are exalted to the skies in romances and romantic poetry.

Men who figure as the chief heroes in knightly legends, were actually such brigands as would now be consigned to the care of the jailor, and the ministry of the executioner; yet it has become a glory in our day to be the descendants of these wretches, and to have in our veins, unmixed with a less pure stream, the 'noble blood' that flowed in the bodies of the chief titled of the middle ages, is the very highest recognised distinction that a modern aristocrat can have."

REIGN OF LOUIS IX. (A. D. 1226-1270.)

THE minority of this good and really great king was passed in a continual warfare against the great vassals of the crown, who always chose such times to forward their usurpations. In his struggles with the feudalry he was greatly aided by the vassals of Queen Blanche, his mother, a woman of superior talent; and who became regent of the kingdom during his first absence at the Crusades, A. D. 1248-54.

During his whole reign Louis made many laudable efforts to bring his kingdom under a system of regular government, in which he was constantly resisted, either openly or covertly, by the feudalry; and but indifferently aided, maugre his personal religious merits, by the chiefs of the clergy.

The latter were the sole cause of his not being able to abolish judicial duels anywhere but in his own dominions; as the abbots, &c., of the great religious houses, in the capital and

elsewhere, drew a considerable revenue from their *champs clos*, or enclosed fighting grounds, used for this purpose.

The following mandate, taken from the chronicles of the time by Dulaure, and given in his "History of Paris," will show what sort of stuff the feudal ecclesiastics were made of.

"In the year 1252, the chapter of the cathedral of Notre-Dame, at Paris, imposed upon several villages, of which these clergymen were feudal superiors, a new tax; this impost the inhabitants of one of them (Châtenai) refused or delayed to pay. The chapter hereupon caused all the men of the place to be arrested, and then dragged like felons to Paris, where they were put into a close dungeon in which they had no proper room to breathe; and were subjected to other cruel practices. Queen Blanche, mother of the king (St. Louis), hearing of the severe incarceration, sent a request to the canons that they would graciously liberate these unhappy people; offering at the same time to become security that they would certainly appear on the call to answer any charge their lords would bring against them. To this request the canons replied haughtily, that no one had a right to interpose between them and their subjects (*sujets*); that they could put them all to death if they chose. And by way of showing their power, and evincing their enmity to the queen, with whom they were then at law on some other account, they ordered the wives and children of the unhappy prisoners to be thrown into the same dungeon

along with them. A miserable aggravation of mutual suffering ensued. Heaped upon each other, stifled with foul air and heat, suffering from hunger and thirst, the victims were dying rapidly, when the queen, to whom had been reported the added cruelty of the canons, repaired with some of her attendants to the pestiferous ecclesiastical dungeon, and ordered that its doors should be forced. But all hesitated to obey; fearing the danger of an infraction of the rights of the church, and being in terror of its censures. At last the queen, impatient of delay, struck the prison door with her cane; and the attendants, imitating and encouraged by her example, striking it with more heavy implements, fairly forced it open. On the instant, a spectral crowd of men, women, and children, rushed eagerly for the blessed air and light of heaven, giving new activity to limbs erewhile sinking beneath frames perishing from privation of all things needful to sustain life. Not knowing but that they were let out only to be slain, however, they ran to the queen, who was viewing them with tearful eyes, and implored her protection in piteous accents. This Blanche not only promised, but secured for them; nay more, she ultimately found means to release them for ever, they and theirs, from the feudal bondage of their ghostly tyrants altogether."

In general, however, churchmen were not the worst feudal superiors. For instance,—  
"In the year 1238, the dean and canons of St. Marel (a suburb of Paris), had serfs consigned



to them from their predecessors in mortmain, upon their contiguous lands: they, by an act of that year, manumitted more than 150 of such bondagers, men, women, and children, and all their posterity, by a special act of grace. Whether any price was paid by the parties thus freed, the document, still extant, does not say.

“ In 1250, the Abbot of St. Germaine des Prés gave freedom to his serfs in that village (now a suburb of Paris); but the document testifies, that this act was paid for in money and otherwise.

“ A charter, still extant, dated A.D. 1242, contains the following words:—‘ Let it be known to all to whom these presents shall come, that we, William, the unworthy Bishop of Paris, consent that Odeline, daughter of Radulphe Guadin, of the village of Vuissons, body slave (*femme de corps*), of our church, may become the spouse of Bertrand, son of the late Hugon, of the village of Varrieres, body slave (*homme de corps*) of the Abbey of St. Germaine de Prés; conditioned that the children which shall be born of the said marriage be divided between us and the said abbey; and further, that if the said Odeline should die childless, then all the property, movaeble and immoveable, of the said Bertrand, shall return to the said abbey,’ &c.

“ In the year 1257, Louis IX. issued an ordinance against the deadly feuds and fire-raisings indulged in by the feudatory; these being the principal exploits of those doughty

warriors. In 1260, he published an ordinance against judicial combats, and ordering that proofs should be had by the testimony of witnesses, instead of the blows dealt by fighters. This order was resisted by the lords, both lay and spiritual; and as Louis enforced it in his own domain, the feudatory, not content with making it a nullity in theirs, spoke contemptuously of the good king, as *a fool*, a *bigot*, a *hypocrite*, a *tyrant*, a *perjured man*, &c.

“ In spite of the efforts of St. Louis to restrain the robberies committed upon the roads by the feudalry, several of the chief nobles continued their audacious depredations upon travelling merchants in many parts of the kingdom. When the king was on his way to Palestine, in the year 1270, one Roger, lord of the castle of Roche de Gluy, seated upon a height commanding the course of the lower Rhône, having given a taste of his depredating qualities to some of his majesty's followers, the king was so provoked that he sent a detachment to besiege this castle of Roger; which was spared from instant demolition, on its master promising to abstain from robbing passengers on the neighbouring highways in future: a pledge worth nothing from such a one as he.

“ The king, after many reverses, having, at last, reached Palestine, besieged Damietta, and took it. The nobles who accompanied him behaved in a shameful manner after the capture of the town. For example: they bought up all the provisions in the place and its environs, and sold them again, at famine prices, to

the army. They also set up bawdy-houses, some of them close to the king's pavilion, and drew large profits from prostitution. The king, when informed of it, drove several of the titled offenders out of the camp."—*Dulaure*.

Louis IX., having an irrepressible desire to go upon another crusade, left his kingdom once more, but never reached the Holy Land ; for, staying to besiege Tunis, he was infected with the plague or pestilence, and there died, August 25, 1270 ; a martyr to his religious zeal, and a victim to the frenzy of the times. He was succeeded by his son, Philip III., surnamed "the Hardy ;" an epithet which was mis-applied in his case ; for he seems to have been of a feeble character, and weak mind — He died, October 6, 1285, after a reign not worth particularising ; and was succeeded by his son, Philip IV. (*le Bel*, or Handsome), a king of a very different stamp. But before entering upon the annals of his reign, we shall prelude with a short account of the—

#### FRENCH PARLIAMENTS.

PHILIP the Fair was a man of talent, but covetous and of unscrupulous character. But his persecutions and robberies of the Jews were dreadful. To him was due the regular formation of the parliament of Paris, to which he assigned functions that gave it some title to its after appellation, as being the supreme and sovereign court of justice for the kingdom of France. As such, appeals lay to it from the

provincial parliaments, of which there were latterly about a dozen. The parliaments were founded and endowed with privileges by the French Kings of the Capetian race, not so much from a desire to procure justice to their subjects, sorely oppressed by the selfish jurisprudence of the nobles, as to found an antagonistic power to the latter, in all other respects as well as juridicial. At once to accredit parliament in the estimation of a people gradually becoming more alive to its natural rights; and to be able to cite the authority of the law, in the persons of its chief functionaries, for levying royal taxes, &c., the kings first ordained and then asked the parliaments to *register* the royal edicts. In time, edicts were considered informal, even illegal, if this formality were not complied with. The kings reserved to themselves, indeed, the power of enforcing registration, if it were persistently refused or delayed, by holding what was called "a bed of justice." But this measure was ill looked on, and only sparingly resorted to. The power of registration gave the people of France, under the old regime, a kind of semblance, at least, of that species of substantial freedom which resulted in England, from its House of Commons "refusing the supplies;" but in no other constituent respect were the parliaments of the two kingdoms at all similar, although in both, there existed a popular or opposition party, jealous of royalty, and protective of the weak against the aggressions and oppressions of the titled, and powerful.

When the judicial order in France rose into credit, its chief members became quasi-ennobled either in right of their functions, or by special letters of nobility. But the nobility of the *robe*, or judicial gown, was held inferior to that of the sword—that honoured *knife* of men *butchers*. In fact the haughty nobles of feudal origin, looked upon the *robins*, (thus they contemptuously called judicial men of title, *robins*,) as not being even noblesse; and we find the comic dramatists of France, down to the time of its first Revolution, selecting many of their ridiculously assuming and vulgar characters from the ranks of the *robins*, sillily as well as meanly over-looking the fact that they were mostly *roturiers* themselves. There is still a little of this base prostitution of plebeian talent, applied to nourish the self-complacent assumptions and offensive presumptions of the titular great, extant among a few of our own English toady writers, writing for a tuft-hunting class—though it has long been discarded elsewhere.

REIGN OF PHILIP IV. AND HIS IMMEDIATE SUCCESSORS,  
A.D. 1285—1350.

THE reign of this prince, surnamed “*Le Bel*, or Handsome,” was a memorable one: and especially so, because he dealt some heavy blows at feudalism, as well as other antagonisms, that stood in the way of his unscrupulous ambition, which was of an entirely selfish character.



One of his worst devices to obtain money, to carry out his plans, was the falsification of the coined specie: his subjects, exasperated at his repeated spoliation of their substance in this way, gave him the uncomplimentary name of *faux-monnayeur* (bad-money coiner). We may here mention, that "the privilege of minting, in France, did not, in early times," says M. Guizot, "belong exclusively to royalty: most of the great fief-holders coined money; and more than fourscore of them continued to do so even during the reign of St. Louis.—Under his grandson Philip the Fair, it began to centre in the royal hands. That king bought up from several lords their prescriptive right of minting, and deprived others of it. But he abused the power thus gained; for he fixed arbitrary values upon the money he issued; and changed its intrinsic values, by thirty-five ordinances, issued at different times." To aggravate this iniquity, he committed a greater, by arbitrarily hanging up eighty-four persons who had joined in a riot against a rich citizen, who had been his instrument in robbing his people by means of a depreciated currency.

He discountenanced the system of judicial combats, but did not venture to abolish them altogether: for Dulaure found a royal edict in the French archives, dated A.D. 1293, regulating the formalities of a duel of this kind between the Counts de Foix and d'Armignag, each of whom claimed the sovereignty of the county of Béarn.

*The Templars.*—In the last year (A.D. 1313-14) of the reign of Philip the Fair, the order of Knights Templars was suppressed in France, and, soon afterwards, everywhere else. This, the greatest of the religious orders of knighthood, was like all the others, in matters spiritual, founded on the austere Cistercian rules of life and discipline, as laid down by St. Bernard. It arose about the year 1125, and was at first composed of nine zealous nobles or gentlemen, who took a vow to protect all pilgrims to and from the Holy Sepulchre at Jerusalem, against the attacks and oppressions of its Infidel possessors. The number of knights increased, as soon as the prowess and self-denial of the original members spread abroad in Europe, at a time when the spirit which originated the crusades was agitating all men's minds.—In less than two centuries, the order became enormously rich, and, it is probable, proportionally corrupt. The scandal created by the large possessions of the order, the pride and luxury of its members, became an instrument in the hands of their enemies to work their ruin. Philip of France, pretending a regard for morality, and feigning a desire to maintain the reputation of the Church for the purity of all its supporters, brought into peril as it was said to be through the monstrous exorbitancies of the whole body of Templars, who had, notwithstanding, impudently put themselves forward as the chief examples of Christian virtue, and the chief champions of Christendom; King Philip, we say, having cast a covetous

eye upon the large possessions of the Templars in France, the owners of which were no longer popular, early in the twelfth century began to bring heavy charges against them at Rome.— Finding encouragement there to proceed against them, procured either by persuasion, through falsehood, or exaggeration, or procuring papal consent by corrupt means, he began a formal process against the whole French members of the order, in the year 1308. Three years afterwards, Pope Clement V., *in secret consistory*, decreed the suppression of the order, with confiscation of the goods of all the members.— Already, in the year 1310, the judges appointed by King Philip having reported that the French Templars were guilty, habitually, of every crime, possible and impossible, that could degrade the bodies and sully the souls of men, the charges, including acts of sacrilege, wizardry, &c., of which no direct proof was ever forthcoming, not even of that unsatisfactory evidence which torture can extort, and which was unsparingly used upon some of the accused, who bore it with courage, and would neither accuse themselves, nor any of their fellows or chiefs. But the king was not thus to be turned aside from a long-cherished purpose. He was greedy, cunning, and obstinate. Not giving the abused people time to recover themselves from the horror created by recent exposures of the real or imputed infamies of the Templars, and armed, as powers, with the decree of his own procuring from subservient judges, and the consent of the pope, Philip

caused fifty-nine of the knights to be burned alive in a field near the Abbey of St. Antoine, outside of Paris. "Every one, without exception," says a contemporary annalist, "declared his innocence of the crimes imputed to him; and to the last, through the midst of the flames which consumed them, they ceased not to declare that they had been unjustly sacrificed; which thing created great wonder, and some murmurs amongst the spectators present, against the cruelty of the king."

On the 11th of March, 1313-14, Jacques Molay, grand-master of the order, and another commandant of the Norman Templars, were burnt alive, by a slow fire, upon the island of the Seine, on or near the spot where the statue of Henry IV. now stands. In the midst of their agony, they protested their innocence of the charges brought against them and their confraternity; at the same time, they cited the reigning king to answer for this cruelty and injustice, at the tribunal of God, before the end of a year. This solemn citation, made by two persons, once of such consideration and spiritual credit, was well remembered afterwards, with awe, from both king and pope being called from this life within the time named. It was, in fact, a superstitious age; most people of the time had, for instance, a fixed belief that Providence specially interfered, when solemnly appealed to, in favour of the oppressed against the oppressor; and the fortuitous and almost simultaneous deaths of the two unjust potentates did more to clear the

reputation of the Templars in the public estimation, than any exculpatory evidence of a more regular kind, however complete, would have effected.

The French Templars being thus personally disposed of, the king seized all their moveable property, and turned over the use of their lands to the "Knights Hospitallers of St. John of Jerusalem," a body of similar semi-military, semi-monkish chevaliers, afterwards known as "the knights of Malta."\*

Shortly thereafter Edward II. of England caused the possessions of the Templars in his kingdom to be confiscated in like manner, as we have already seen. (See Part II.)

Both in Paris and London the head establishment of the Templars was one of the greatest material constructions of the early metropolis, in each kingdom. Up to the French Revolution of 1789, the enclosure of the Temple in Paris retained the privilege of sanctuary for debtors, &c.; and it is probable that the precincts of Whitefriars, misnamed "Alsatia," had the same privilege, in its origin, from its proximity to, and dependence upon, the venerable church and cloistral edifices of the Temple in our metropolis.

To Philip the Handsome succeeded Louis X., who reigned not many months; and to Louis nominally succeeded the infant John, who lived but a few days. Philip the Long began to reign Nov. 13, 1316. His policy

\* "Monumens Hittoriques relatifs a la Condemnation des Chevaliers du Temple," par M. Renaud.



tended to the suppression of feudal enormities ; he was no doubt partly stimulated to this by pique, through a faction having been formed among them, headed by his uncle, who raised a war to thrust him from the succession, because of his youth. To Philip (Jan. 3, 1322) succeeded Charles IV., surnamed "the Handsome," (Bel). His reign was short ; but while it lasted some terrible examples were made of a few of the worst brigands of the time, among them was one Jourdain de l'Isle, Lord of Casaubon, one of the worst noble scourges of his country. Being "nephew" (a dubious term, sometimes meaning a nearer relationship) of the reigning pope, John XXII., the judges of the French courts hesitated to proceed against him for his enormous crimes, which were a crying scandal even in that semi-lawless age ; but at last the king seized and delivered him to the parliament of Paris, which condemned him to be hanged. It gives us startling evidence of the strange alliance of feelings of religious superstition with habitudes of the foulest criminality, when we are informed, through entries in the registries of the parliament of Paris (still extant), that in the pockets of this enormous villain were found, after his execution, "a purse containing some bits of the true Cross, a few reliques of the knightly St. George, and sundry scraps of paper, on which were written the name of Christ, and titles of the four gospels." His dead body was anxiously cared for by the clergy of the parish of St. Merri, who gave it

honourable Christian sepulture, either out of respect to the pope, or by way of paying court to him for selfish reasons.\*

April 1, 1328, Charles IV., the last of the Capets, having died some months before, Philip VI., first monarch of the collateral branch of Valois, was proclaimed King of France, to the exclusion of nearer female heirs, by the Salic law; a regulation of feudal origin, founded on feudal ideas of female inferiority—despite all the pretensions of “chivalry” to a devout regard for woman. This king was of a public character, and his ill-judged polity was, in general, harmful to his people. But in a few instances, it was otherwise; for in the years 1323 and 1324, he caused several of the marauding nobles to be publicly executed in Paris. He had a mania for crusading, but was unfortunate in war: witness the disastrous defeat his army suffered at Crecy, from a far weaker foe, in numbers at least, though certainly not in real martial force; for, independently of the superiority Edward III. had through his well-trained bowmen, and a few pieces of cannon he is said to have called into play upon the occasion, no merely feudally constituted army, such as that of France, could make effectual head against the concentrated power of the English kings, either in that day or after times. Not to mention that the personal character of the two rival potentates was so utterly different, the common idea,

\* Dulaure: “Histoire de Paris, &c.”

long cherished by and *in* the English vulgar, that "one Englishman could beat three Frenchmen," had this foundation in truth; that a national army, constituted as that of England was, by means of the "*escuage*," or knight service, in days when pure feudalism had declined, though less than half as numerous as a feudal host, could beat it in the open field: but when it was further assumed that, individually speaking, the English were so superior to their neighbours in strength and courage, we can but smile at the complacent conceit.

In the year 1328, the people of Bruges rose against the oppressions of their feudal superior, the court of Flanders; but they were soon subdued and humiliated by the latter, aided as he was by the French feudalry, headed by Philip of France. Several times this king interfered in the same way in the relations of the people of the Flemish towns with their feudal suzeraines; in which he found as an antagonist, for selfish purposes, Edward of England; the whole involving sanguinary hostilities, and great suffering, in these flourishing commercial municipalities.

In the year 1358, Philip began to levy a tax, to replenish his exchequer, upon the holders of "free fiefs," *i. e.* rich plebeians (*roturiers*), who possessed seignorial domains by right of purchase. This was an inequitable exaction, as when the holders bought such property they paid for it on the faith of its being tax-free, as all other fiefs were.

Philip of Valois died in 1350, and was suc-

ceeded by his son John ; a luckless monarch, who died, in captivity, in the precinct of the Savoy, London, in 1363 ; when his son, Charles V., surnamed "the Wise," who had for some time ruled, as best he could, as regent, ascended the throne. His policy tended to favour the growth of the towns ; in 1471, he ordained that all free burgesses of Paris should be considered nobles, in right of their municipal rank.\* Charles V. died in the year 1380. "During his reign," says M. Dulaure, "all the miseries of a civil war, raised by princes and lords contending for power, joined to the evils of hostilities against the English, made France a howling desert. The party of the Dauphin, or Armagunes, and the faction of the Bourgeoise, who acted in the name of a lunatic king and a debauched queen, vexed the nation, and reduced the people to a state of despair. The Duke of Burgundy called in the English to aid his party, and abused the mad king so as to persuade him to disinherit his son, and fix the kingdom under English domination."

FRENCH FEUDAL ROBBERS IN THE 14TH AND 15TH  
CENTURIES.

ALTHOUGH Philip le Bel made considerable

\* Citizen *noblesse* merely consisted in freeing them from feudal servitude ; *i. e.* enacted that no inhabitant should be a serf. This edict was confirmed by Charles VI., Louis XI., Francis I., and Henry II. ; but Henry III., in 1577, restricted the privileges thus accorded to the provost of the merchants, and the city magistrate (*eschevins*) of Paris.

progress in vindicating the claim of royalty, and abasing the usurpations of the feudalry, some of his immediate successors lost more ground, in this way, than he gained. The hand of compression being removed, several of the great French fief-holders coalesced against the succeeding kings, who were fain to make several concessions to the chiefs of the feudalry. An early ordinance of Louis Hutin, published in 1315, proves this fact; others, of the same kind, giving in to the demands of the lords, lay and spiritual, followed. Then the question was mooted of the rightful succession to the throne, which further weakened French royalty. This question arose twice, in a short space of time; first, after the death of Louis X., and, again, after the decease of Charles le Bel.

When King John died a prisoner in London, April 8, 1364, and his son Charles V. succeeded, France was in a deplorable state. Edward III. of England, and Charles the Bad, King of Navarre, with their several armies, accompanied by the troops of brigands, titled and untitled, which filled the ranks, or accompanied both like so many packs of ravening wolves, under the name of *routiers*, (roadmen), the "great companies" (of mercenary soldiers), *écorcheurs* (skinnners), &c., had ravaged the kingdom from end to end, so many times, that at last there seemed nothing left to seize or destroy. The French king, on his part, aided by a really chivalrous warrior, and a man of high honour, (Bertrand du Guoselin) at length, peace being obtained, sedulously set about



bringing his dominions into some kind of order ; and as this was not to be done without having pecuniary means at command, he was obliged to press heavily upon the means of the productive classes ; the feudalry claiming exemption (of course) from all fiscal imposts whatever. This smart taxing made the king less popular than he really deserved to be.

The reign of John II., dating, as we have seen, from A.D. 1350, was a miserable time for France. It began with a dearth, succeeded by a pestilence. By way of accommodating the rate of money-value to the means of king and people, the coin was falsified to the great, as well as certain, increase of the evil of high prices of food. The country was almost incessantly ravaged by wars also, both civil and foreign ; these actually caused a season of relief to it, when the feudal rout, headed by the king, was beat at Maupertius, near Poitiers, Sept. 19, 1356. John was there captured, and led a prisoner to England ; and active foreign war ceased, for a time, from sheer exhaustion, both of English and French.

During the fourteenth century, the chiefs of the French feudalry and their kings began to use high-sounding adjuncts to their titles, as "very redoubtable," "all-powerful," and "mighty" lords. Such phrases of potent attribution, or human veneration, which had hitherto been appropriated to the Divinity, were now freely usurped by the chief feudal anarchs of France. If this assumption of self-complacent grandeur had been the means of making their *mighti-*

nesses, ashamed of plying the trade of common robbers, vanity, for once, would have come in to the support of improved manners ; any how it is certain, that before the close of the century, passenger-stripping on the highways was less resorted to by many of the nobles, in person, at least ; and those who avowedly continued the old system, began to be stigmatised as “knights of prey,” (*chevaliers de a la proie*). But many of the great lords, though they did not follow up this kind of *man-chase*, themselves, sent out their subordinates to head minor marauding excursions, both during times of peace and war. Those employed in time of peace to rob travellers and merchants, were called by the gentle name of *courieurs* or *cursores* (runners) : while those, again, who went in quest of prey, in war-time, were designated by the plainer name of *pillard*, or pillagers. Every feudal chief, while under arms with his followers, had a band of well-practised riflers, who, almost wholly supplied the wants of the master and all his “merry men.” Even in the next century, so little was pillaging held in disesteem, that Talbot impiously said, “Had God himself been a man-at-arms, he would needs be a pillager !” And Lahire, one of the greatest of the French feudal barons, took similar freedoms with the name and attributes of his Maker, whose laws he habitually broke in public, nearly every day of his battling and desolating career.\*

\* He was the real author of a sentiment assigned to

“The secret debaucheries of titled women, queens, princesses, and ‘noble ladies,’ were as exorbitant as the violent enormities of the male feudalry, in those abominable times.

“Even the newly-founded magistracy were not free from the worst secret vices of the age. Several chief members of the parliament of Paris, for instance, while ostensibly curbing and punishing feudal excesses, privily connived at them, for the sake of bribes. In 1320, during the reign of Philip the Long, a provost of Paris, called Henry Tapherel, who had in his charge a rich man who had been condemned to death for his crimes, let him go, at the eve of the time appointed for his execution, and actually hanged an innocent poor man in his place.\*

“The period from the reign of John II., (A. D. 1363-1515), called by some the age of *nec plus ultra* barbarism, was, nevertheless, not so barbarous as the preceding ages in France; only its corruptions, its errors, and crimes, have been better ascertained, and more minutely recorded. Nevertheless, it must be avowed that, during this tract of historic time, of nearly a century and a half, nothing great or really noble appears upon the scene, if we except the heroic deeds of the young peasant

many others, in the following adjuration, which he habitually uttered before beginning a fight:—“Oh, God, I pray that thou wouldst do as much for me, Lahire, this day, as I would for you, were I God, and thou wert Lahire.”

\* *Dulaure*, who cites the existing registers of parliament in proof of his facts.

woman Jeanne d'Arc. The male battling personages interest us little. The military courage of the rest, almost the only quality which gave them renown, was so often mixed up with vile tendencies, continually impelling them to criminal acts, that every sentiment of admiration for their bravery and enterprise, is stifled in its birth by feelings of horror and indignation at their atrocities. And as for the struggles of parties contending for civil power, during those miserable times, they only brought into play the worst vices, and showed the inherent defects of the feudal system.

“One of its worst national manifestations was the appearance in France, during the twelfth and thirteenth centuries, of the *armed companions*. These were at first called *Brabançons*; but afterwards, the Great Companies; and, trivially, *roadmen*, *thirty thousand devils*, *skinnners alive*, &c. All the memoirs of these times record the terrible exploits of these organised bands, or rather armies of robbers; whose united hosts, in France alone, sometimes amounted to one hundred thousand. Enemies of every body, friends to no one, they were willing to fight, in times of war and civil broil, for any party, the heads of which were willing and able to pay them. The men-at-arms of these hosts were generally landless cadets or bastards of titled families, of the subordinate feudalry; and their chiefs were often some of the greatest lords in France. Olivier de La Marche, a contemporary chronicler, also a great admirer of the nobility and

titled chivalry of the time, owns that the disorders of the companies were really horrible. Thus, he says in his 'Memoirs,' that every region of the kingdom was full of castles and fortresses, kept by armed men who lived by rapine and prey. And in the midst of all this country and its neighbouring territories were assembled every kind of companions whom men call skimmers alive (*écorchéurs*). These went roving about, from province to province, and out of one district into another, seeking booty, and in quest of *chances*. Provided they found sustenance, they cared not whence it came; whether from the substance of the people of the French king, from the subjects of the Duke of Burgundy, or from the people of any other prince. Their principal captains were the following among others,—the Bastard of Bourbon, the Count of Dammartine, &c. And though Poton de Saintrailles and La Hire were two of the chief and most renowned captains of the French party, they both originally belonged to the Great Companies, who brought such poverty upon the king's majesty, and sore harrassed the merchants upon the roads."

About the year 1369, Geoffrey Tête-Noire, one of the chiefs of the "pillaging companies," known as Duke of Limousin, &c., from his lording it over that country, but without commission or patent, being besieged in his strong castle of Ventadour, which he had seized from others by force and stratagem together, was shot in the head by an arrow, a wound from



which he might have recovered, had it not been for his reckless indulgence in sensualities.—When he found he was really dying, “he ordered the principal persons of his garrison into his presence, and said, ‘I should wish to see, before I quit this world, my successor appointed, who would behave gallantly to you, and defend the castle, which I shall leave plentifully stocked, for seven years’ time, with all needful things, such as wines, provisions, and munitions of war. I therefore beg you will tell me if you have taken any steps to elect one who will lead you as he ought, and carry on the war as I have done, which was, in truth, for or against, I cared not which sovereign. For though I did, indeed, make it under shadow of the King of England’s name, I have always looked for gain and conquest, wherever they may be had; and such should all brave companions-in-arms like you do also. This country is very fertile; many good compositions [heavy ransoms from being pillaged] have been made with it,’ &c. ‘Now tell me who is to be my successor.’—The companions remaining silent, he again addressed them with the utmost good humour; and when they said they would leave the whole matter to his disposal, he continued: ‘Then I will name those whom I wish to succeed me. Here are Alleyn Rouse and his brother, my cousins and good men-at-arms; I entreat you, therefore, to accept of them. This was assented to freely, and an oath of obedience taken. He then pointed to a chest, with 30,000 francs in it, saying—‘All

that money you helped me to get, and I wish you to partake of it, for I wish to acquit my conscience. But, in the first place, I leave to the chapel of St. George, within our walls, 1,500 francs. I give to my mistress [kept woman] 2,500 francs; to Alleyn Roux, your own governor, 2,000 francs; to my valet 500 francs; to my other officers 1,500 francs. The rest I thus dispose of: you are about thirty companions in all, and you should behave like brothers, without envy, riot, or strife—divide what remains among the whole, honourably; but should the Devil get among you, and you cannot agree, here is a well-tempered sharp axe: cut open the chest, if you will, at once, and let those seize the best part of the contents who can.' Whereupon they respectfully answered, all—'Lord and master, we will not disagree; we have so much loved and feared you, that we shall not break the chest, but obey you in every order.' Soon after, the redoubtable Geoffrey breathed his last; much to the regret of his trusty companions, who gave him honourable sepulture under the chancel of the castle chapel.'\*

In the reigns of Charles VI. and VII. (A.D. 1380-1461), during most of which wars, intestine and invasive, desolated the country, the number of dead carcasses which lay everywhere about caused a great increase in the numbers of the animals of prey which ordinarily infested the country. Wolves especially went in nume-

\* Chronicles of Froissart.

rous packs, and seemed to prefer human flesh to all other meat. The daring attacks of these animals upon the farms, villages, and towns, as recorded in the contemporaneous "Journal de Paris," show to what an extent the country and even the environs of the capital itself, was overrun with them. "In the month of October of this year (1437) the wolves entered Paris by night along the river banks, killed and ate every dog they met, and they also devoured a child in the middle of the city. The month before (September 1437), they killed and ate fourteen persons outside the city, between Montemartre and the grounds of the Marais. Next year (December 16, 1438) they came suddenly down upon Paris, and killed four female domestics; and in a few days thereafter, they tore, or savagely bit, seventeen persons, who, though rescued from their jaws at the time, all died afterwards, but six."

Dulaure, after citing these passages of the chroniclers, adds—"But these wolves, however ferocious, were less redoubtable, in those days, to the Parisians, than the feudal lords and their brigand followers, commonly called *écorcheurs* (skinners alive); they were less formidable, for instance, than Jean Foucaud, who lorded it at Corbeil; than the captains of Château de Beauté; than the lords of the castles of Vincennes, of Orsai, of Chevreuse, of Orville, &c., who, each in his turn, came upon pillaging, compounding, fire raising, and murdering sorties from these fastnesses, into the country and suburbs around, yea, up to the very walls of

Paris, the roads to which were nearly blocked up on every side ; and when it was needful to go to other parts of the kingdom, no one could travel without such an armed escort as would be considered, in our day, a small army."

REBELLIONS IN CITY AND COUNTRY, A.D. 1358.

IN the year 1358, during the captivity of John, a revolt against the government of the Dauphin took place in Paris, and, simultaneously therewith, a servile rebellion in the country, of the peasants against their feudal masters. The first was instigated by Charles the Bad, King of Navarre, and headed by Stephen Marcel, provost of the merchants. The revolvers, after being in possession of the capital for some time, were defeated, and cruelly punished. Not a few innocent persons suffered along with them. The contemporaneous rebellion of the peasants was called a *Jacquerie*, from the *sobriquet* taken by their leader, the French *Wat Tyler*, whose real name was William Caillet, but who passed as *Jacques Bonhomme* (James Good-man). Doubtless the men of the *Jacquerie*, maddened by present oppressions, and stung by recollections of ages of previous suffering, through the tyrannies of their feudal masters, committed some horrible excesses, such as fire-raising upon the seignorial domains, killing noble women and children, &c., in some cases, according to Froissart's and other chronicles, with added acts of diabolical cruelty. Froissart, while narrating these atro-

cities, probably with such exaggerations as easily passed current in an ignorant and credulous age, finding also the readier acceptance by prejudiced readers of the oppressing classes, has not a word of pity to spare for the awful expiations they had to endure from the triumphant feudalry, when the hour of retribution came. And as for the wretched men themselves, they "died, and made no sign" that could reach the commiserating eye of posterity: "for we lions are no painters," as the leonine locutor remarked in the fable.

#### REVOLT OF THE MAILLOTINS, A.D. 1381-2.

CHARLES V. was very fond of money. Just before his death, he had emitted an edict, levying new imposts upon the Parisians; but before he died, he repented of having issued that edict, and recalled it. His son, Charles VI., being a mere boy, his uncle, the Regent Duke of Anjou, revoked the king's will in respect of the new taxes, and exacted them all with great severity. The people murmured greatly, and at last broke out into revolt. Oct. 8, 1380, a body of the lower classes having assembled, came to the hôtel-de-ville, and obliged the chief magistrate (*prévôt de marchands*) to come away with them, and wait upon the Duke of Anjou, to insist that the new imposts which overburdened them, should be abolished. The duke, frightened at the popular demonstration, gave hopes of his acceding to the request, but asked for a little delay. Thereupon the people retired.—



When the delay asked for expired, and the people found that the duke still continued to levy the obnoxious imposts, a second gathering took place, and the rallying cry of "Liberty" was first sounded in the streets of Paris ! Some of the chief burgesses now sympathising with the popular feeling, began to join the ranks of the people ; and a mixed meeting for a consideration of grievances was held, presided over by the provost. The latter was for temporising, and was bringing round most of the middle class citizens present to his views, when the fiery eloquence of a shoemaker gave a very different turn to the feelings of the meeting. He said, among other things, " Are we, then, never to enjoy the fruits of our labour in peace ? Is the avarice of the great always to be allowed to overburden us with taxes ; taxes so heavy, that we ought not to pay—that we cannot pay, for they far exceed our means ? . . . . . Burgesses of Paris, you are excluded from all the meetings of the nobles ; they will not hear of your assisting at their deliberations, even when these concern your dearest interests. They say arrogantly, if you remonstrate, ' What right has the sordid earth to raise itself to the heaven above it ? ' and ' why do the scum of mankind dare to remonstrate with the rich ? ' . . . . . Fellow-citizens, for whom ought we to address daily prayers to God ?—for those who constantly despoil us of our goods ?—for men who make tools of us ?—The fruit of our labour only serves to minister to their luxury—to purchase garments glitter-

ing with gold, and shining with pearls ; to feed those numberless menials who follow in their train ; to defray the cost of the fine palaces the masters live in. It is to keep up those vain superfluities that the people of this city are ground to the dust with exactions. . . . .

The patience of the people has been sorely tried ; it is now exhausted entirely. . . . . I

call upon the burgesses of Paris to arm : better let us die resisting oppression, than succumb to it as we have too long done." This discourse

was warmly received, and so far acted upon, that about three hundred of the burgesses went armed, with the provost again at their head, to the palace, and reiterated the demand which had formerly been made upon the regent, and which he had disposed of by dishonest delays.

He gave fair words again, but no distinct promise ; on the strength of which, however, the provost persuaded the armed burgesses to go peaceably home. Between that day and the next, however, certain agents of the court went busily to work to avert the storm from the court, by throwing the blame upon the tax-collectors, more especially the Jews, some of whom farmed portions of the taxes complained of. Many of the nobles owed the latter heavy sums, and eagerly joined in the deadly slanders thrown upon them. The credulous people were now persuaded to turn, in wrath, against those who had never wronged them, and some dreadful excesses ensued. The houses of the Israelitish usurers were the first to fall a prey.—Great masses of pledged goods were seized,

and carried off or destroyed. And in the tumult many of the nobles joined heart and hand; taking especial care, when the houses were forced, to tear the registers of all debts, and abstract every written obligation likely to be inconvenient to them or their friends. After many houses had been fired, and several of their inmates murdered, the surviving Jews were fain to crave permission to shelter themselves in the Châtelet, a gloomy fortress, the dungeons of which became to them a welcome asylum.

During this time, the regent pretended, publicly, to abolish the obnoxious imposts; while he privately determined to set them up to sale to the highest bidder, doubtless intending, by this fraudulent and dangerous device, to remove the direct odium from himself. When the people came to know of this juggle, their fury exceeded all bounds; but it fell upon the wrong heads—those of the collectors who were sent forth by the speculators who took the taxes in farm.

Early in the morning of the 1st of March, 1381, the streets of Paris resounded with seditious cries. A crowd of the lower classes soon gathered, and being destitute of weapons, they went to the town-house to search for arms; but finding none, they seized a number of leaden mallets, fabricated for a special purpose, and used them for weapons of offence; hence the name afterwards given to those who bore them, of *Maillotins*. The first thing done was to repair to the prisons, and release those who had been put there for getting into arrears with

the tax-gatherers, or for participating in recent popular tumults. The next step was to murder every tax-gatherer who could be found, by beating out his brains with mallets. Pillages followed these murders, especially in the houses of the deceased victims ; several mansions were utterly demolished.

Even sacred edifices were not respected ; for some of the fiscal officers having taken refuge in the Abbey of St. Germain, and the rumour going about, that usurious Jews were there secreted, the doors were forced, several persons killed within, and much property, including church vessels, destroyed.

The Jews' quarter was unsparingly pillaged during three or four days ; and it was now remarked, as before, that the deeply *indebted* nobles, or their agents, profited by the lawlessness of the times to tear or abstract every bond which could be found, that had hitherto escaped. These disorders, directed against the Jews, began in Paris, were imitated in several other French towns. The court, to protect the Israelitish usurers from lawsuits on the part of those who had left pledged goods in their hands, *graciously* dispensed the former from being sued for the recovery of what now could never be produced.

The burgesses of Paris, who had taken no part, as a body, in these popular excesses, yet fearing that the resentment of the court against them for some of their secular leaning in the first movements of the people, before the latter had disgraced the common cause, sent a depu-

tation to the Duke of Anjou, imploring him to overlook all recent irregularities, and remove the obnoxious imposts which had occasioned all the evils they mutually deplored. The duke promised fair, and broke his word as before.

In a few days, he caused several of the citizens, accused of joining the sedition, to be arbitrarily executed. When others were brought, afterwards, to share the same fate, the people interposed, and they were taken back to prison. The duke caused the provost to kill them privily during the night, and to throw their bodies into the Seine.

The next measure to chastise the citizens, was sending a body of men-at-arms, well used to kill and plunder, into the city, to sack and burn houses, quarter themselves upon the rich, &c. This they did with their accustomed alacrity and perfection ; insomuch that a famine soon ensued, in which the regent, and the lords of his faction, exulted as if they had gained a victory over the "seditious." At length, the burgesses, almost reduced to despair, offered to pay the regent 100,000 livres, if he would withdraw their armed oppressors, and pardon past offences. The money was taken ; but the latter request, though promised to be granted, was virtually treated with contempt.

On the 11th of January, 1382,—a day fatal to the Parisians,—an army, purposely gathered to chastise them, advanced, in three divisions, upon the city, from the plains of St. Denis. The citizens shut the gates, but, at the same time, sent a deputation to offer their keys to



the king and princes, with presents, and a request that they would exercise clemency. The deputies were not listened to; and while they were amused with formalities, the soldiers forced the gates, overspread all the town, and took lodgings in the best houses. Meantime, the courtly train repaired to the Cathedral of Notre Dame, and returned thanksgivings to God, who, they blasphemously declared, had crowned their arms with victory over a rebellion. Three hundred of the richest citizens, who had taken no share whatever in the late movement, were arrested, and cast into prison. Next, the fortifications of the city were dismantled, and the inhabitants all disarmed. Every day several chief citizens were executed, and their goods confiscated for the benefit of the courtiers and nobles. Among them was a venerable jurist, Jean Desmarets, who had done his best to appease the recent seditions; and was, in all respects, a man of virtue and honour, who had filled high employments in the service of the crown.

In one short month (February, 1382), more than 100 leading burgesses perished on the scaffold. To avoid the pains inflicted upon the dying, several prisoners killed themselves. The court and feudalry, finding the public horrified, and fearing the desperation of an over-goaded people, again resorted to the most hateful of all forms of assassination—slaughtering men in ward.

All this while confiscations went on briskly; to avoid the worst effects of which, a few opu-

lent citizens were admitted to compound with potent courtiers or influential nobles.

At length, the bleeding and exhausted city having been thoroughly purged and pillaged, the regent and his myrmidons (for the young king only looked on,) gave an ostentatious public extension of the "royal clemency" to the citizens, but not till they, their wives and daughters, had abased themselves before the court, in the most humiliating manner. But individual confiscations and finings did not cease, nor were the municipal privileges of the city restored, till twenty-nine years afterwards.

Not a third of the enormous sums of money wrung from the rich Parisians during this time, in compositions with the living, or accruing from the confiscations of the worldly substance of the dead, though levied in the king's name, ever reached the royal coffers. The rest was given to the aggressive nobles, to be divided among their men-at-arms, to induce the latter to abstain from pillaging the country about Paris. The masters kept the money to themselves; and the men, thus defrauded, considered themselves freed from all such restrictions, and extended their ravages to the villages around the capital, where, besides indulging in their accustomed robberies, they committed many other excesses. And so was revenged upon the innocent the excesses of the guilty Maillotins. (*Chroniques de St. Denis; Dulaure.*)

The king's uncles had each his party, and they all struggled unceasingly to obtain or keep sovereign power, the king being a mere puppet

in their hands. The queen and her son, the dauphin, afterwards were at open enmity ; that pernicious woman (Isabeau de Buvière) no less profligate than unmaternal, indulged in prostitution with one or more of her brothers-in-law, and was instrumental in delivering up the country to the English. While the latter were not in the field, the feudal rank of nobles, knights, and men-at-arms, dispersed in different troops, the Cabochins colleagued in parties, as Bourquigeois, Armagnacs, Cabochins, &c., ravaged town and country without mercy, and their several low robbers committed various excesses, including murders of prisoners.

SOME FURTHER SELECT ANNALS OF FRANCE,  
A.D. 1421—1547.

CHARLES VI., surnamed the Beloved, from his naturally gentle temper, and the pity his harmless lunacy excited, died Oct. 22, 1421, and was succeeded by his son Charles VII., called, far less properly, "the Victorious," for he was an indolent spectator of the marvels done in his name. He was no tyrant himself, but he let feudal tyrants work their will upon the people. The kingdom was not freed from its foreign invaders by the chiefs of the feudalry ; on the contrary, most of these were ready enough to submit to English usurpations ; the foreign intruders were driven forth with defeat and disgrace, through the enthusiasm kindled in the popular heart, by the patriotic zeal of a PEASANT WOMAN, inflamed by the

religious zeal of the time. And when the superstition which seconded her efforts turned against her, the nobles basely left her to her fate, as being *a very bad kind of person*, not worthy of aristocratic protection.

The French war of Independence began about A.D. 1420, and ended in 1450, by the total expulsion of the English; during part of which time they were in almost undisturbed possession of both capital and kingdom. Nov. 9th, 1421, the first public act in the name of Henry VI., of England, (then an infant ten months old,) as King of France, was issued by the Regent Bedford. In 1440, Charles himself renounced his right to the throne !

In 1453, Jacques Coœur, esteemed by the feudalry as a rich *roturier* (plebeian), one of the greatest-hearted and most enlightened men of the time, having given umbrage to the king and nobles, was banished, and his wealth confiscated for their profit. Yet so little did the feudalry regard the royal power, that they slew several of the king's officers and most cherished favourites, without his making an effort to save them. This king was unfortunate in having a son like the Dauphin Louis, who rebelled against him several times; and kept him in a constant agony of fear, during his latter days, lest he should be poisoned by him. He died July 22, 1461.

Louis XI., who now succeeded, was a man of mark; and the feudalry, (individuals of whom he had made tools of during the former reign, for his own selfish and unfilial purposes,)

soon found out that they had got their master on their own backs. Still he did not, like Philip the Handsome, assail feudal institutions, which would have been a wise, as well as just policy; he rather waged furious war upon the *persons* of those nobles who made themselves obnoxious to him. In this way he did many cruel things. As an example, when he caused the head of one of the feudal anarchs, (the Count of Nemours,) to fall upon a scaffold, he ordered that his young sons should be tied to the posts below, so that the blood of their father should fall upon their bodies. In time, the nobles felt as insecure in their fastnesses, as apprehensive rats, (to use a popular phrase,) who scent the proximity of a weasel. But the acts and character of the king are too well known to most readers of history, and Scott's romance, for us to enlarge upon them here, even if we had space to do so. We may mention, however, that his hands were greatly strengthened by his becoming Lord of Burgundy, after the defeat and death of its *hammer-headed* last duke, in 1477.

He died, no less miserably than his father, but from different causes, Aug. 30, 1483: and was succeeded by his son Charles VIII., then aged thirteen; a youth of a feeble character, and who, as a man, did little harm or good; though much of the former he allowed to be done by the feudalry, whom he was able to keep under no control whatever. He died, April 7, 1498, and was succeeded by (at last,) a really good king; namely, Louis XII., sur-



named, (and not unworthily,) "the Father of his People," whom he protected from feudal oppressions, while he dealt with his nobles justly. Louis XII. died, Jan. 1, 1515, not quite three months after his marriage with his third wife, Mary of England, sister of Henry VIII.\*

To the good king, Louis XII., succeeded Francis I., who was proclaimed King of France, January 1, 1515. His predecessor foresaw what kind of ruler he would make, often saying, "That big lad who comes after me will spoil all." Francis tried to gain the character of being devout, gallant in his manners, and magnificent in his tastes all at once, whereas he was only superstitious and persecuting, debauched in his life, and wasteful of the sub-

\* This lively princess pretended at first to having been left pregnant, thereby having hopes of being declared regent. In case of her having no male child, the crown, by the Salic law, had to pass, and did pass to the Duke of Valois (Francis I.) Brantome, in his coarse way, accuses her of intending to palm a spurious forgery upon the French; and he quotes the Spanish proverb, *Nunca muger aguda murio sin herederos*. It appears, however, that Mary's lingering stay in France was owing to the tardiness in paying the handsome dowry her astute father had managed to contract for: and she dreaded to return to England, as it would not be sent after her: and she would thus have lost (to use her own elegant phrase) "the fruits of the sweat of my body." Meantime, having been detected in a rather *delicate* position, along with the handsome Charles Brandon, Duke of Suffolk, (an old sweetheart of hers,) by the Duke of Valois, (Francis I.) in person, the latter insisted on their being married immediately in the chapel of the hotel (De Cluny) where she resided during her widowhood. This the parties consented to do.—(*Du Laure*).

stance of his people. Longing for warlike fame, he readily plunged into rash hostilities against his neighbours, by whom he was always beaten, and once taken prisoner. Pretending to be the slave of a high sense of honour, he yet violated his word, pledged to his captor, that he would remain in duress till delivered by ransom. He professed to foster literature, and got the undeserved title of "Father of Letters," yet tyrannised over most of the learned men of his kingdom. "In a word, the collective actions of this king resemble some showily daubed scene in a theatre, which, seen from a favouring point of view, imposes upon the eye of the spectator, but viewed nearer, shocks the sight by its coarse falsities."—*Dulaure*.

During the reign of his predecessor, the feudalry were restrained, and the general interests of the people looked to; under Francis, who affected to be the leading knight, as well as chief ruler of the kingdom, the very reverse polity prevailed. He was, however, a favourite with the feudalry, and still more with such of the wives and daughters as he and his courtiers debauched.\* "Never was there a King of France who pleased the nobles so much."†—*Mémoires de Bayard*.

\* Francis I. was the first French king that had at his court a regular attendance of titled women, who held offices, such as maids of honour, &c.

† It would be easy to run a parallel between the acts, character, and feudal appreciation of James IV. of Scotland and Francis I. of France. There were many points of resemblance in each case. Both of these royal wrong-heads, who were contemporaries, stand too well in received historical estimation.

REIGN OF HENRY II., &c., A.D. 1547—1610.

FRANCIS I., first king of the house of Valois-Angoulême, dying, March 31, 1547, from the effects of his debauches, his son, Henry II., succeeded. The latter was a prince of a weak character, and entirely governed by the Guises, Princes of Lorraine, and his infamous queen, Catherine de Medicis. By them he was easily persuaded to let loose the French Inquisitors upon the Protestant party, the persecution of whom had begun during his father's time ; and the consummation of which disgraced the reign of his second son (August 24, 1572). In 1558 (April 20), he married his eldest son to Mary, Queen of Scots ; the next marriage of another of his children, the Princess Elizabeth, to Philip of Spain, which was celebrated with great pomp at Paris, became fatal to Henry ; for, contending, on the occasion, in a tourney with the more practised Lord Montgomery, captain of his Scotch body-guard, the latter ran his tilting-spear into the king's eye, and of this injury he died in eleven days ; but not before he had evinced magnanimity enough to pardon the innocent homicide. This verbal pardon was not, however, respected ; for Queen Catherine, by way of showing her regret at the loss of a husband, for whom she cared little when living, caused Montgomery to be *flayed alive*, as soon as he could be caught ! Henry II., expiring July 10, 1559, was succeeded by the imbecile youth Francis II., who reigned only till December 5, 1560, when he died ; and his

brother, Charles IX., of odious memory, nominally succeeded, under the regency of his mother; the most abominable woman that ever walked this earth. Charles died, in a corrupt state of body, and horrible condition of mind, May 30, 1574.

To Charles IX. succeeded Henry III., his brother, a despicable character; and as profligate as the rest of the same bad family, but, perhaps not quite so bigoted or cruel as some of the others. In fact, his shortcomings in the latter particulars led to his destruction.—February 5, 1577, a number of the ultra-Romanist feudalry of Picardy, thinking the government too slack in “rooting up heresy,” signed, at Péronne, a bond, pledging themselves to maintain “the true faith” (as defined by the Pope), to the death, against all opposers. This example was soon imitated in the capital, and elsewhere; and the association very soon expanded into the too famous *Ligue*. The cardinal and the princes of Lorraine were its great champions; and they managed, virtually, to set aside the authority of the king. The latter was assassinated, by an emissary of theirs, a fanatic friar, named Jacques Clement, August 1, 1589. Thus closed the dynasty of Valois; after which, Henry (IV.) of Bourbon, King of the petty principality of Navarre, became nominal king; but he did not get full possession of his kingdom or capital till late in the year 1593; nor was he crowned till February 27, 1594. During the former year, the dreadful siege of Paris took place, and the

country was almost ruined by sanguinary civil wars, carried on by men maddened with religious hate ; into no particulars of which need we enter here.

Henry IV. was assassinated by François Ravallac, May 14, 1610 ; not without suspicion of the foul act being countenanced by some of the nobles who were present at its perpetration.\*

The reign of Henry IV., which was virtually but of fifteen years' duration, was, upon the whole, peaceable and prosperous. But he gave a bad example to his people personally, through his numberless amours and marital infidelities ; his court was corrupt, and its corruptions were sedulously copied by the opulent among the untitled classes of the kingdom.

The frankness of character of Henry, his military virtues and generous temper, blinded his contemporaries to his faults : and thus, as has happened to other kings less worthy than he, his reputation stands much too fair in history. The fiscal burdens upon the people of France, during his time, must have been very heavy, for the expenditure of the court was profuse ; the king's mistresses were prodigally enriched,† and his bastards munificently endowed : yet Henry had no resources but what he could obtain from the pockets of his people.

\* Those who wish to learn what are the conjectural proofs of this complicity, are referred to the "History of Paris," by M. Dulaure.

† Gabriel d'Estrées, his favourite mistress, on occasion of the christening of her son, wore a dress so loaded with jewels, that she was not able to walk in it.



The nobles were ready enough to take everything, but contributed nothing, for they were not taxable at all; the clergy he did not dare to squeeze; and the numbers of the privileged non-taxed were daily augmenting.

L'Estoile, a contemporary annalist, after recording many particulars of the luxury reigning at Henry's court, mentions, as a contrast, the miserable crowds of the sick poor who sued for access, often in vain, to the public hospitals, such as the Hotel Dieu, in Paris, &c. And as there was no public receptacle for infants whom the poor or profligate brought into the world, and would not maintain, it was quite usual to abandon and expose them in public places, in the hope that the compassionate or rich would adopt them. What we now read of with disgust, as characteristic of China in this way, was common in other parts of Europe, as well as France, at the time we write of.

If we are to believe the testimony of M. d'Aubigne, a protestant gentleman, who depicts the manners and conversation of the nobles at the court of France, during the last year of Henry IV., and the first of his successor, Louis XIII., we can imagine nothing more frivolous than both, to say no worse of them. Luxury in dress, maintaining a numerous train of pages, a long following of lacqueys, &c., besides a multitude of expensive dishes at ostentatious feasts; these were what gave a courtier reputation at court. Courtiers were also distinguished for a manner abominably fawning to superiors, and extravagantly complimentary to

equals, with a habitual tone of menace to inferiors, especially creditors. The attempts of the latter to get their own, if they became importunate, were always treated as insolent, and not seldom repelled by personal outrages.

“ Would you wish to have a sample of noble conversation ?” says D’Aubigne to his readers. “ Duels form a leading subject ; but one must be careful not to express too much admiration of any duellist, however courageous he may have shown himself to be ; his bravery must be commended in measured terms ; such as, ‘ Yes, he manifested a little courage in that affair.’ Scandal about titled dames, and the amorous conquests of the gallants in court and city, form two other great topics of discourse among the men at court. Of smaller subjects of daily interest, are the promotions and dismissals, present and to come, of court minions ; speculations as to who is to obtain employment or pension, &c. Gaming, too, is a constant means of employing time and talk, often to the hurt of the honest ; and the nobles, who disdain all useful occupations, will many of them cheat both their equals and inferiors, when they condescend to associate, for that purpose, with the latter.

In the times thus portrayed by D’Aubigne, and long afterwards, it was a constant practice with masters and mistresses of title, when angered by their servants, to beat and cudgel them. We find frequent examples of this in the French comic dramas, even those of Mo-

lière, the humiliations thus inflicted forming part of the *fun* of the scene.

Even the magistracy of the country was exposed to the grossest insults, with impunity, by the haughty feudalry. Dulaure gives the following characteristic account, extracted from the registers of the parliament of Paris, dated July 2, 1599, of the insolence of a certain Duc de Mercœur towards the king's advocate, M. Servin, in his own house, who had disobliged his grace, in executing the duties of his office as judge :—"The duke having come to M. Servin's in the evening, followed by twenty or thirty armed attendants, the latter saluted him with a 'Good evening, your grace.' Whereupon the duke abruptly replied, 'I neither come to bid you good evening, nor yet to commend me to you to forward my process, but to *give you the lie*, for saying that I was not a prince, as not being of the royal blood ; now, I tell you that what you said is *false*.' Servin, seeing the duke was in wrath, replied to him in fair words, telling him that he heeded nothing what reproaches were thrown upon him as a private man, but as a high public functionary he urged that the duke ought to hold him in some regard. The duke said that consideration alone had restrained him ; still he said 'I've a good mind to cut you down,' (*je vous couperai lecon*) ; adding, 'I'll then convince you that I AM A PRINCE, *by killing you*,' &c. Several times he put his hand upon his sword, and once would have struck Servin with it, had he not been restrained by one of

his own men. Soon afterwards he retired, cursing and menacing the latter."

During the reign of Henry IV. a great number of the robber nobles, who infested the country to some extent, in imitation of "the good old times," when taken, were punished capitally. Three Breton nobles, called Guilleris, brothers, who banded together in arms, and acted upon this motto—"Safety to every gentleman, death to all the king's officers, and rifling for all travelling merchants," became so formidable in their depredations, that a small army of 4500 soldiers, with some pieces of artillery, was sent to subdue them. Being driven into a fortified chateau, they there stood on their defence; but the place was soon taken, the surviving inmates captured, and about eighty of them broken upon the wheel. In general, however, noble ruffians, when condemned to death, which they never were but for enormous crimes, were beheaded. One titled criminal, when about to undergo this punishment, seized a Cordelier friar, who approached to confess him, by the body, and threw him from the scaffold upon the Place de Grève. He also tried to strangle the executioner.

In general, Henry IV. resisted the attempts of the relatives of such atrocious criminals to obtain pardon, *except* when grace was earnestly sued for by ladies whom he had tender connexions with, or wished to have.

Yet, upon the whole, the times considered, Henry IV. was not the worst king of his age.

Though undeserving of the full measure of credit accorded to him because of the worse conduct of his predecessors and successors, yet he was not deserving of the fate that befel him. His vices did not kill him, but, in some sort, the contrary qualities; for his not being a bigot to the religion he adopted for polity's sake, was the real cause of the assassin's knife being directed several times against his person, and at last with fatal effect.

THE LEAGUE, OR THE ULTRA-ROMANIST ASSOCIATION  
IN FRANCE, A.D. 1576.

THE politico-religious *imperium in imperio*, which subsisted from the time cited above till near the close of the sixteenth century, involved events which fill a large share in the annals of France, but upon which, however interesting in themselves, we cannot enter further than to say, that while it lasted, neither the heads nor tails of the French feudalry figured to any advantage. We cannot better sum up the characteristics of the actors in it, than by citing the brief estimation of them given by Dulaure :—

“Three classes of men figured in this national drama. In the first rank we see the princes and lords,—all of whom, with the exception of Henry IV., and a very few nobles, his immediate friends, were miserable bigots, or slaves of secular ambition; who, with no virtue but perseverance, passed on from crime to crime; and whose criminality was either



rewarded or punished by retributive criminality.

“ In the second rank appear licentious and turbulent ecclesiastics, who, in the sacred name of religion, preached seditions and murders, both which true religion condemns.

“ In the third place were the people, whose fate it is always to be duped, for they are ever ignorant and credulous ; and are ever, consequently, fit for being immolated to the ambition of the chiefs of all parties ; having to bear the greatest part of the evils brought upon the common country, through the culpable manoeuvres of demagogue leaders, of whatever character. Thus the money which Henry IV. had to expend in buying off the opposition of many nobles antagonistic of his royal rights, had to be reimbursed out of the fruits of the labour of the working part of the nation.”

#### PSEUDO-PROTESTANT FRENCH FEUDALRY.

THE first public manifestations of Reformed opinions in France date from A.D. 1520. In 1521, the doctors of the Sarbonne issued a decree against heresies and heretics. In the following year, we find the mother of Francis I., a princess who was not of the purest morality in her own person, rather countenancing the discredit into which the religious orders had fallen, through the exposures of their conduct, made in Lutheran works printed in Germany, and furtively read in the kingdom. In 1525, several persons were punished, by whipping,

&c., and one burnt alive in Paris, for avowing, or adopting Reformed sentiments. These persecutions were continued, and increased, in several of the next following years. Far from extirpating the French *heretics*, the latter grew more numerous; and in 1555, a regular congregation was formed, upon the basis of the doctrine and rigid discipline of the Church of Geneva.

The earlier annals of the French Protestant Church, A.D. 1520—1560, show the unvaried repetitions of power cruelly persecuting the observances of religious opinions; with a view to their utter extinction, we see conscientious sentiment and rigid virtue, passively resisting clerical oppression. But early in the last cited year (1560), affairs took a new and less respectable aspect in the annals of French Protestantism. A considerable section of the nobles, a few moved by religious convictions, but more from motives of interest, or through a spirit of hostility to a court, all the members of which were bigoted Romanists, joined the Protestant communion; into the actions of which, when the two parties came to blows, they infused the accustomed feudal vices and cruelties,—the myrmidons of each party, Romanist and Protestant, fighting with mad obstinacy; the conqueror treating the conquered with added cruelties; and the contending hosts rivalling each other in oppressing their common country. Pillagings, rapes, murders, open and secret, were common to both. Neither party was free from the crime.

of assassination ; but the discredit of attempting and partially effecting a wholesale massacre of the other, belongs alone to the Romanist French of that time ; we allude to the ever-infamous slaughter of St. Bartholomew, and two or three following days..

For a time, the odium attending this massacre, seemed rather to strengthen the Protestant interest, weakened, as it temporarily was, by the loss of many of its best men ; but the reaction in its favour ceasing, the cause languished ; and it received a heavier blow when Henry IV. renounced the Protestant faith, in which he had been bred, for the sake of securing as he vainly thought, his authority as a king, and safety as a man, against the undying enmity of bigots in the communion of his adoption. By degrees, all or most of the nobles having been bought off from the Protestant party, the sadly diminished number of individuals in its ranks were left to contend, as they best could, under the orders of chiefs of less note, against the incessant hostilities of the bigoted successor of Henry IV., who did all he dared do, while he lived, to secure them against being totally crushed. But the revocation of the edict of Nantes (granted by Henry, in 1598), which took place October 24, 1685, was the closing act of a series of persecutions of the French Protestants, by Louis XIV. ; after which, they almost ceased to exist as a separate communion in the kingdom up to the time of its first Revolution, and for some years after it.

## CORRUPTIONS AND DEBAUCHERIES OF THE FRENCH COURT AND FEUDALRY.

AT the accession of Francis I., royal power had greatly increased, and the potency of feudalism had diminished in proportion. Immediately succeeding kings had favoured the growth of a middle class, and they found a double profit in doing so ; for, while the latter became a body, whose interests being in opposition to those of the nobles, they were ever ready to evince their gratitude, if un-bought favours were accorded them, to furnish the king with pecuniary advances. These were employed in enhancing royal magnificence, and enabling the monarch to maintain a body of regular armed guards, who, raised ostensibly to defend king and country only, were soon employed in keeping the nobility under subjection. The invention of gunpowder having driven the nobles out of their fastnesses, and lobster-like body-casing, the most ambitious or supple among them, renouncing habitudes of violence, donned those of corruption, as soon as they and their *chatelaines* went to court, and became place-hunters.

The memoir writers of the reigns of Francis I., Henry II., Francis II., Charles IX., and Henry III., (A.D. 1515—1589) give such details as form a strange jumble of wars foreign and civil, persecutions, assassinations, sorceries, and above all, *debaucheries* ; throughout which, the nobles, their women and retainers, are the most salient figures. The pages of Brantome,

a contemporary, himself a seigneur, who revels in reporting such details as shew himself little less infamous than the worst scoundrels, and most depraved characters of the time; the incidents thus set down sufficiently prove to what a degree this age was imbued with offensive corruption. While praising Francis I. for being the first to have a troop of titled ladies at the French Court, he alleges that the courtiers were more coarsely immoral in preceding times than his; because the titled used to frequent common houses of debauch, &c., whereas afterwards, they could, in comparative *safety from bodily infection*, make themselves agreeable to amiable, attractive, and *sound* noble women—some few excepted—from among whom, at any rate, as we know, Francis I. imbibed the infection which killed him.

Catherine de Medicis, a queen infamous to all time, herself cold-blooded as a woman, yet employed numbers of the highest titled young female nobility as instruments for corrupting the males, in order to compass by such bad means the worst designs. Certain incidents recorded of the bye-play of the massacre of St. Bartholomew, relating the depraved conduct of sundry ladies of the court, (which we care not to particularise,) show how far religious bigotry and moral habits had deadened compassion, and extinguished all delicate feeling in courtly female hearts.\* In the midst of this furnace

\* We refer those who wish to know more particularly what we mean, to the account of the massacre, by Dulaure, '*Hist. de Paris*,' &c.



of corruption, which such as these dwelt in, let those who undertake the hopeless task of defending the character of Mary, Queen of Scots, and those who condemn her, both remember that the "unfortunate" princess drew therein her first (conscious) breath; and it cannot be doubted that the effects of the impure atmosphere in which she lived abroad, accompanied her, and clung to her ever after, at home: this will fully account for, perhaps tend to palliate, her after-misconduct. Nor were crimes against nature wanting, in high places, during the deplorable time we are now treating of. The annalists accuse Henry III., and a band of young nobles, called his *mignons*, of practices revolting to humanity.

Among the most conspicuous characters of the epoch thus characterised, was a potent lord, Aune de Montmorencie, High Constable of France. This proud noble, a furious persecutor of the Protestants, and the highest functionary in the state, coming next to the monarch in rank, actually could not read, and had to sign all his official documents with his mark. Brantome, though usually holding him up as a praiseworthy personage, cannot help throwing into the biographical details regarding him, a few touches which rather detract from the meritoriousness of this hero, whom he is anxious, either really or pretendedly, to exalt to the highest. For instance, he says, while lauding him as a great defender of Christianity (Romanism) and as most regular in his devotions, and punctually saying his daily

prayers, "Howbeit, it is said that the Paternosters of the Constable were sometimes fearful things; for between the repetitions of his prayers, it was not unusual for him to call out to his attendants any order that he feared to forget, such as, '*Go, and hang up such a one; Fasten so-and-so to a tree, to be shot at; Pike that man you know of; or, stay, let him rather be shot in my presence; Cut in pieces those rascals who defended the clock-tower against the king's forces; Burn me that village; Fire the country round for a mile or so.*' All these orders he would intersperse with the sentences of his prayers, still resting upon his knees, till the Paters and Ayes were all told upon his beads."

Montmorencie got the name of "Captain Burn-bench" from having ordered and assisted at the conflagration of the seats his soldiers took out of a Protestant Conventicle at Charentou.

Besides being bigoted and cruel, though hardly brave, he was greedy of illicit gain; of which Dulaure gives the following instance:—

"When Brittany became a French province, (in 1539,) the people asked that Rennes should be made a port; to this the king (Francis I.) agreed, and assigned certain revenues for the completion of the needful works. The provincial governor, M. de Châteaubriand, was ordered to receive the income assigned, and apply it properly; instead of this, he levied the dues, and kept men to make additions to his own chateau; spending very little upon the works of the port. This appropriation lasted some

twelve years ; at the end of which time, Montmorencie being sent on a royal mission to the province, the conduct of Châteaubriand was reported to him, In place of denouncing it to the king, he determined to turn the iniquity of the governor to his own profit. Calling upon the governor, he told him what he had heard, demanded restitution of the money which had been peculated, as also that he should give up to him his fief and mansion ; else his orders were to seize and severely punish him. The frightened governor agreed to all, being in fear for his life. Returning to Paris, and giving no explanation whatever to the king, Montmorencie obtained from the secretaries of state a royal order, vesting in himself whatever moneys the Lord of Châteaubriand had levied, whatever they might be. Other persons' lands and goods he obtained by similar fraudulent and violent means, securing all by his hereditary authority, and getting impunity for all, through his influence with the clergy, whose favourite and champion he was.

“ Among most of the nobles, during the same times, we find,” says M. Dulaure, “ little else than ignorance, superstition, and the accustomed vices of feudalism. Where the acts and speech of the great were not outrageously odious, they were contemptibly frivolous. A courtly conversation usually ran upon the acts of libidinousness, including much scandal about the titled women ; or upon field sports, with great praise of favourite hawks and hounds ; or upon the richness of new dresses, or ceremonial

pomps, or the like passing frivolities. The corruption, luxury, and pettinesses of the titular great, passed to the aspiring little of the classes below, who were proud to imitate, at second-hand, the vices and follies of those who never ceased to despise their imitators."

#### SUMPTUARY LAWS IN FRANCE.

AFTER the discovery of America, at the close of the fifteenth century, the influx of the precious metals which soon followed, put pecuniary means at the disposition of many individuals in classes who had never before enjoyed the power of lavish expenditure ; and this soon manifested itself in the costly styles of dress, which had hitherto been confined to persons of noble rank. The jealousy of the feudalry, whose "kibes were galled" by the upstart ostentations, soon led to the passing of sumptuary laws in most kingdoms of Europe, including France, England, and even poor Scotland. Most of the later English statutes regulating dress, &c., were passed during the reign of Henry VIII. In a French ordinance against undue luxury in attire, &c., issued in 1576, the preamble states that "since the gentry now go as superbly clothed as if they were dukes and barons, and the trading classes ape them so closely, that they can no longer afford to sell their goods at the accustomed reasonable rates." Adding that, "as times went, all outward distinctions between nobles and plebeians were rapidly disappearing, therefore,"

&c. And in the years 1577 and 1583, Henry III., the most luxuriously dressing and most shameless personage of the time, issued several edicts for repressing exorbitancy of rich clothing, hypocritically observing that the Deity was grievously offended by the reigning luxury of dress, and that public modesty was in a fair way of becoming extinct.

The price of the necessities and conveniences of life daily rising, through the disturbance in money values, by the arrival of bullion from the New World, the natural effect of which was never thought of as the real cause among the many wrong ones given for the dearth complained of by contemporary speculators upon the times and their changes, the territorial feudalry and their followers became by degrees impoverished, in proportion as adventurers returning enriched from the lands of gold and silver; on the other hand, the increase of specie in Europe benefited the trading and manufacturing classes everywhere, by their constant and free-handed purchases. Kings and their officers had to levy heavier taxes for the support of court and camp. And as the feudalry now needed more money than ever to maintain their rank, on account of the ostentation of upstarts, whose expenditure it was needful to equal, if not excel,\* or else fall into

\* "So great was the ostentation and such the mad extravagance of the French nobility, about the middle of the thirteenth century, that when Raymond, Count of Toulouse, *Circa*, 1250, held a full court, in order to reconcile two contending potentates, he ploughed the lands about



public contempt ; the lords of lands, we say, had to squeeze their vassals, and the latter oppress their tenants, to an extent which was found altogether intolerable. The latter, in their distress, turned for protection, in some cases, to the throne, but not with much useful effect.

In 1576, the burgesses of Paris, similarly oppressed by the royal functionaries, made a strong but humble remonstrance to their seigneur, the king, against his gendarmarie and guards of his body (all scions of nobility) on account of their pillaging and plundering, both in city and country, also for their violations of women. They represented that those rapacious men so oppressed the country people by their robberies and exactions, that in many places the cultivators were forced to quit the land, and leave it untilled. Not only so, but they seized the dues levied for the support of the

his castle, and loaded them with *deniers*, or silver pennies, to the amount of £10,000 sterling, of present value. Victuals were dressed for the banquet then given by wax lights ; and Raymond de Venons caused thirty of his horses to be burnt before the assembly."—*Dr. Trusler*.

Sumptuary laws were attempted to be enforced by the two legislatures of South and North Britain, at several epochs. The Scotch parliament, in particular, passed many statutes regulating dress, &c., and even the number of dishes which the different classes of society were to have upon their tables, prescribing the cost of feasts at weddings, &c., also the tariff of funeral expenses. In England, A.D. 1363, three sumptuary laws were passed by one parliament. The statute 22 Ed. IV., passed in 1482, went to abridge extravagance in dress, prescribed habits suited to each class, to be worn by no others under penalties.

poor, and left the needy to starve. And the remonstrants denounced a new abuse, namely, the habit of not only living at free quarter themselves upon the farmers, &c., but forcing the latter to feed and lodge their relations, connexions, and whomsoever they chose to billet upon them, &c. It does not appear that these disorders were much abated, far less discontinued, till some time after the accession of Henry IV. to the throne, early in the seventeenth century.

## REIGN OF LOUIS XIII.—CONCLUSION.

ON the 31st of July, 1626, a royal ordinance of Louis XIII., or rather a decree of his minister, Cardinal Richelieu, commanded the immediate demolition or dismantling of all castles, feudal fortresses, and the bulwarks of every city and town in France, not situated upon the frontiers of the kingdom. From this time any armed opposition of the French feudalry to royalty, either by right of law or prescription, was necessarily at an end. Some few lords, indeed, were powerful or had interest enough to retain their fortified *châteaux*, but these cases were exceptional, and as the favoured individuals lived isolated, they never could become formidable to the reigning monarch; nor was it any longer safe for them to retire from court in disgust at being subjected to the operation of the law, or in disappointment at being refused favours, and shutting themselves up in rebellious dudgeon within

their domains, till they could bring the court to terms.

This rigorous measure, and others of a kind suited to abase the feudal and exalt royal (*i. e.* his own) power, kept the cardinal at war for a while with the more proud and sullen French nobles; but he hewed down their persons without pity, and confiscated their estates without mercy, as soon as they showed a desire to resist. The hydra of feudalism could no longer, after his time, make head against royalty in France; but it continued to be nearly as formidable to the people, for many years afterwards.

In fact we doubt whether the latter did not, for a time, lose by the violent prostration of feudalism before royalty; for the former allying itself to the latter as its slave, became, in some respects, more formidable than before, to the victims of the tyranny of both; meaning by that designation the people of France. The oppressions of the feudal chiefs, their vassals and men-at-arms were now succeeded by the exactions and insolences of the royal and noble intendants, their emissaries, valets, pages, &c. The dignified clergy, too, mostly scions of titled houses, were nearly as corrupt as their lay relatives; and the scandals caused by the royal and noble debaucheries and excesses, which characterised the reigns of the Bourbons, from Louis XIII. downwards, in court, city, and country, surpass all imagination. Those who wish to view a terrible picture of the later times of the old regime, traced in sombre but

questionless faithful colours, may consult the pages of Dulaure and extant "Memoirs" of the time : from the most authentic of the latter that able and industrious writer draws most of his damning details.

After giving numerous instances of the vicious and vile conduct of the lords and their myrmidons at court and city, their contemptuous treatment of the untitled magistracy and burgesses, Dulaure thus describes the state of the people in the provinces during the reign of "Louis le Grand !" (XIV.) :—

"The labouring people in the provinces, left without proper protection by the king, given up to the execrable tyranny of their feudal lords, could be, and were with impunity personally outraged, pillaged, beaten, mutilated, —even occasionally killed ; they were everywhere reduced to the most abject submission. The king's chief minister, Colbert, the only really great man of his country at the time, hearing of some of the most flagrant disorders of the provincial feudalry, revived a measure which some preceding governments had recourse to when feudal excesses reached an intolerable height ; this was to send a special commission (A. D. 1662) into the different provinces, composed of members of the parliament (high court of justice) of Paris, empowered to try and punish the guilty, without power of appeal. The sittings of this tribunal were called *les grands jours* (great days) ; at these some severe and salutary examples were made. But such was the depression of the people from

the hitherto uncurbed tyranny of their noble masters, and so great the dread of their future vengeance, that in many cases they did not come forward with their complaints; so that after a while, matters went on pretty much as before.\* . . . The advance of civilization and the softening of manners which accompanied it, however, at length did more than regal repression to chasten the deportment of the feudalry to their vassals, servants, and tenants; but to the last these were generally oppressed and constantly liable to be victimised and insulted."

The reign of Louis XV., misnamed "the Well-beloved," which was a puny despotism that at once corrupted and degraded France, became, at length, if not the immediate, yet the efficient means of that country's ridding itself both of its old royalty and feudalry. The base subserviency of the French nobles to a mean-minded and depraved monarch, led to the perdition of their whole order, whenever the nation was roused to a proper sense of its manifold wrongs. The especial baseness of the French nobility was strongly manifested in the latter days of old Louis, when Jeanne Vau-berruier, erewhile a common street-woman, was exalted on high as Countess du Barry, and disposer of the nation's destinies,—the real maker and undoer of ministers; the appointer of marshals, generals, admirals, &c. To gain pensions or place, crowds of the highest titled

\* "Histoire de Paris," (Louis IV.,) &c.



nobles, cardinals, bishops, &c., of France, waited daily at the bedside of their old king's young strumpet, and were ready to lick the dust off the morning slippers they were but "too proud" to hand to her, had she signed to them to do so.

The battle of Rosbach, November 5, 1757, and several other defeats of the French forces on land, with many more at sea afterwards, sufficiently showed how the French martial spirit was expiring under incapable feudal leaders, or untitled commanders appointed, by courtiers and courtesans, for any reason but that they were brave, or otherwise fitted for their places.

In the year 1771, we find the above royal mistress, from corrupt motives, or wanton caprice, breaking up the respectable ministry of the Duke de Choiseul, and destroying or humiliating the French parliament—that slight dyke which interposed itself between the nation and a sybaritic despotism. By this time, in fact, the degradation of France from its rank as a great European community, was all but completed.

The perception, by the middle classes of the French, of the tyrannies and disorders of their titular and privileged masters, was strongly shown in the year 1784, when a man of brilliant talent and caustic humour, Beaumarchais (a dashing *roturier*), contrived to get his "Marriage de Figaro" acted at the Théâtre François. The satirical traits abounding in that piece, pointed, as they were, at the doings

of the great ; and more especially the travesty it contained of the life and conduct of a territorial lord upon his own domain ; the “ counterfeit presentment ” of all this upon the scene, in a piece wonderful for its construction, and admirable for its lively dialogue, served to awake a spirit dangerously adverse to existing institutions, which had long reigned, though till then unrecognised, in the hearts of the majority of the more enlightened portion of the French people.\*

But a new era was arising. The crimes of the great in France, too long tolerated, were signally avenged by the Revolution of 1789, and its following Reign of Terror.† Numbers

\* Such a passage as the following, put into the mouth of the valet *Figaro*, does not seem particularly exciting to us, but at the early performances of the play it was eagerly listened to, and rapturously applauded :—“ My lord count, think you, because you are a nobleman, you may do just as you like ? A high name, exalted rank, greatness, riches, —these do make some persons so proud and haughty ! And, after all, what have you done to merit all these good things ? You have only had the trouble of allowing yourself to be born : that’s the amount of it. Otherwise, Heaven knows, you are an ordinary enough personage.”—*Act v. sc. 3.*

† Some of the most odious privileges of the French nobles and gentry were based on monopolies and cruel game-laws ; others on the exclusive right the territorial lords had, great and small, to have *columbaries*, or pigeon-houses, on their domains. No farmer dared molest, much less kill, any of the lords’ game or pigeons. And when we consider that many of the latter birds will eat each its own bulk of food in a day, we may easily imagine how the lands, rented from nobles, became impoverished from their winged vermin. This was bitterly remembered against the feudalry by the cultivators and labourers during the troubles which preceded and accompanied the emigration of the

of nobles, base and treacherous to the last, unhesitatingly betrayed their own order, at an early stage: from that time to this, they have been utterly insignificant as a separate order in the French community: In fact, so long as the right to equal divisions of property, in successions, and the legal axiom that "all Frenchmen are equal before the law,"—so long, we say, as these equitable principles are adhered to in France, that great nation is safe from ever coming again under the yoke of the hateful feudalism by which it was oppressed at so early, and continued to be to so late a period.

French nobility, "those cheap defenders of nations," as Burke called the aristocrats. The gallant chivalry of France left king and country to get out of the anarchy, of which they were the great causes, as best they could. We of course speak of them as a body; but among the many heroic victims of the Revolution, a *few* were of noble family; most of those whose conduct and courage, active or passive, ennobled human nature, were plebeians.

*FINIS.*









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